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The *California Regulatory Notice Register* is an official state publication of the Office of Administrative Law containing notices of proposed regulatory actions by state regulatory agencies to adopt, amend or repeal regulations contained in the California Code of Regulations. The effective period of a notice of proposed regulatory action by a state agency in the *California Regulatory Notice Register* shall not exceed one year [Government Code § 11346.4(b)]. It is suggested, therefore, that issues of the *California Regulatory Notice Register* be retained for a minimum of 18 months.

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## PROPOSED ACTION ON REGULATIONS

*Information contained in this document is published as received from agencies and is not edited by the Office of State Publishing.*

### TITLE 3. DEPARTMENT OF FOOD AND AGRICULTURE

NOTICE IS HEREBY GIVEN that the Department of Food and Agriculture proposes to amend Section 3595(e) of the regulations in Title 3 of the California Code of Regulations pertaining to Cotton Pests Host-Free Districts.

A public hearing is not scheduled. A public hearing will be held if any interested person, or his or her duly authorized representative, submits a written request for a public hearing to the Department no later than 15 days prior to the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the Department of Food and Agriculture, at its own motion, or at the instance of any interested person, may adopt the proposal substantially as set forth without further notice.

Notice is also given that any person interested may present statements or arguments in writing relevant to the action proposed to the agency officer named below on or before March 4, 2002.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Existing law provides that if the Secretary determines that a particular pest cannot be eradicated or effectively controlled by ordinary means, or that it is impracticable to eradicate or control such pest without destruction of host plants, he may declare a host-free period or district, or both; and, describe any host and the district in which the planting, growing, cultivation, or maintenance in any manner of any plant which is capable of continuing the particular pest is prohibited (Food and Agricultural Code, Section 5781). The Secretary may adopt such regulations as are reasonably necessary to carry out the provisions of the Food and Agricultural Code and are necessary to circumscribe and exterminate or prevent the spread of pests (Food and Agricultural Code, Sections 407 and 5322).

Existing regulations provide that portions of California are eradication areas for cotton boll weevil and pink bollworm, set forth the hosts of these pests, and set forth the means and methods which may be used in

the eradication and control of these pests (California Code of Regulations, Title 3, Sections 3590 and 3591.9).

Existing Section 3595 established host-free districts and periods for the control of pink bollworm and cotton boll weevil; set planting, termination, and destruction dates for cotton; set required methods for termination and destruction of cotton; and established provisions for variances from the requirements of the regulation.

Existing Section 3595(e) established the method of destruction, requiring all cotton stalks and debris to be first be effectively shredded and then undergo tillage in a specified manner which mixes all plant residues with the surface soil.

The proposed amendment of Section 3595(e) will change the tillage requirements for District five (the Palo Verde Valley in Riverside and Imperial Counties and the Needles area in San Bernardino County) only; provided, that greater than 80 percent of the cotton plant acreage is planted in 'Bt cotton' varieties and there is no evidence of resistance to the *Bacillus thuringiensis* (Bt) endotoxin by pink bollworm. The Bt endotoxin resistance shall be tested in a manner approved by the Secretary. This proposed amendment would provide that, following the required shredding, the land on which any cotton plants were growing during the preceding season shall be tilled in such a manner that dislodges the cotton plant roots from the soil in such a manner which ensures that cotton plant regrowth will not occur (minimum tillage system).

The effect of the amendment is to provide cotton growers in District five with the option of using the minimum tillage system when certain biologically sound criteria are met as an alternative tillage method. This method should provide for an adequate host-free period for the prevention of over-wintering pink bollworm larvae in the cotton plant residue. The proposed action does not differ from any existing, comparable federal regulation or statute.

#### COST TO LOCAL AGENCIES AND SCHOOL DISTRICTS

The Department of Food and Agriculture has determined that Section 3595 does not impose a mandate on local agencies or school districts. The Department also has determined that no savings or increased costs to any state agency, no reimbursable costs or savings under Part 7 (commencing with Section 17500) of Division 4 of the Government Code to local agencies or school districts, no nondiscretionary costs or savings to local agencies or school districts, and no costs or savings in federal funding to the State will result from the proposed action.

**EFFECT ON HOUSING COSTS**

The Department has made an initial determination that the proposed action will not affect housing costs.

**EFFECT ON BUSINESSES**

The Department has made an initial determination that the proposed action will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

**COST IMPACT ON AFFECTED PRIVATE INDIVIDUALS OR BUSINESSES**

The agency is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**ASSESSMENT**

The Department has made an assessment that the proposed amendment to the regulation would not: 1) create or eliminate jobs within California; 2) create new business or eliminate existing businesses within California; or, 3) affect the expansion of businesses currently doing business within California.

**ALTERNATIVES CONSIDERED**

The Department of Food and Agriculture must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

**AUTHORITY**

The Department proposes to amend Section 3595(e) pursuant to the authority vested by Sections 407, 5322, 5552 and 5781 of the Food and Agricultural Code of California.

**REFERENCE**

The Department proposes this action to implement, interpret and make specific Sections 5322, 5552 and 5781–5784 of the Food and Agricultural Code.

**EFFECT ON SMALL BUSINESS**

The adoption of this regulation may affect small businesses.

**CONTACT**

The agency officer to whom written comments and inquiries about the initial statement of reasons, proposed action, location of the rulemaking file, request for a public hearing, and final statement of reasons may be directed is: Stephen S. Brown, Department of Food and Agriculture, Plant Health and

Pest Prevention Services, 1220 N Street, Room A-316, Sacramento, California 95814, (916) 654-1017, FAX (916) 654-1018, E-mail: [sbrown@cdfa.ca.gov](mailto:sbrown@cdfa.ca.gov). In his absence, you may contact Kris Peebles at (916) 654-1017. Questions regarding the substance of the proposed regulations should be directed to Stephen S. Brown.

**INTERNET ACCESS**

The Department has posted the information regarding this proposed regulatory action on its Internet website ([www.cdfa.ca.gov/cdfa/pendingregs](http://www.cdfa.ca.gov/cdfa/pendingregs)).

**AVAILABILITY OF STATEMENT OF REASONS AND TEXT OF PROPOSED REGULATIONS**

The Department of Food and Agriculture has prepared an initial statement of reasons for the proposed action, has available all the information upon which its proposal is based, and has available the express terms of the proposed action. A copy of the initial statement of reasons and the proposed regulations in underline and strikeout form may be obtained upon request. The location of the information on which the proposal is based may also be obtained upon request. In addition, the final statement of reasons is available upon request. Requests should be directed to the contact named herein.

If the regulations adopted by the Department differ from, but are sufficiently related to the action proposed, they will be available to the public for at least 15 days prior to the date of adoption. Any person interested may obtain a copy of said regulations prior to the date of adoption by contacting the agency officer (contact) named herein.

**TITLE 5. SCHOLARSHARE INVESTMENT BOARD**

**NOTICE OF PROPOSED RULEMAKING**

NOTICE IS HEREBY GIVEN that the Scholarshare Investment Board (the “Board”) proposes to amend sections 30950, 30951, 30951.1, 30952, 30953, 30954, 30955, 30956 30957, 30958 and 30959 of the existing Golden State ScholarShare Trust Program

The Board has not scheduled a public hearing on this proposed action. However the Board may reserve time for a public hearing if it receives a written request for one from any interested person, or his or her authorized representative, no later than 15 days before the close of the written comment period. Following the public hearing if one is requested, or following the written comment period if no public hearing is requested, the ScholarShare Investment Board, on its own motion, may adopt the proposal substantially as set forth without further notice. Any interested person, or his or her authorized representative, may submit

written comments relevant to the proposed regulatory action to the Board. The written comment period closes at **5:00 P.M. on March 5, 2002**. The Board will consider only comments received at the Board's offices by that time. Written comments or petitions requesting a public hearing should be directed to Carrie Douglas Fong, ScholarShare Investment Board, 915 Capitol Mall, Room 219, Sacramento, CA 95814, or faxed to (916) 651-6382, or emailed to cfong@treasurer.ca.gov.

#### AUTHORITY AND REFERENCE

Education Code Section 69981(d) authorizes the Board to adopt regulations it deems necessary to implement the Golden State Scholarshare Trust Act (the "Act"). The Board proposes changes to the regulations in order to implement, interpret and make specific sections 69980, 69981, 69982, 69983, 69985, 69986, 69989, 69990, 69993.5, and 69994 of the Education Code, Sections 3914 and 3990–3925 of the Probate Code, Section 24306 of the Revenue and Taxation Code, and Sections 117, 152, 501 (c)(3) and 529 of the Internal Revenue Code.

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Scholarshare Investment Board (the Board) is statutorily charged with administering the Golden State Scholarshare College Savings Program ("ScholarShare"). The Scholarshare program is a qualified tuition program as defined in Section 529 of the Internal Revenue Code (IRC). The program began accepting deposits in October 1999 from individuals who wanted to save money to pay the qualified higher education expenses of a designated beneficiary. The Board approved regulations necessary for the effective administration of the program at that time.

On June 7, 2001, the Economic Growth and Tax Relief Reconciliation Act of 2001 ("the 2001 Tax Act") was enacted into federal law. The 2001 Tax Act made changes to IRC Section 529 that go into effective on January 1, 2002. The changes make it necessary to modify certain ScholarShare regulations for conformity to the federal law. On-going developments and improvements to the ScholarShare program, such as the addition of on-line enrollment through the Internet, also require modification of certain existing regulations.

The changes made by these emergency regulations conform with proposed federal regulations published by the Department of the Treasury in the August 24, 1998, *Federal Register* relating to qualified tuition programs (26 CFR Part 1) except where the proposed federal regulations conflict with the provisions of the 2001 Tax Act. The Department of the Treasury has indicated orally that it will revise the proposed federal regulations to conform to the changes in statute at a

future date. As of the date of this filing, the federal regulations have not been modified. The proposed changes also conform to Internal Revenue Code Sections 529 and 117(b) that deal with qualified tuition programs and qualified scholarship programs respectively.

1. Education Code Section 69980, Internal Revenue Code (IRC) Section 529, and the California Code of Regulations (CCR) Section 30950, define certain terms and words used in the administration of qualified tuition programs.

"Change of Beneficiary form" is currently defined in regulation because the Board had required it to be completed in order to change beneficiaries on ScholarShare accounts. The Board approved a recommendation to delete this requirement in order to allow for certain Internet transactions and is therefore deleting the definition of the form from the CCR.

"Participation Agreement" is defined in Education Code 69980 and 69983. For this reason, the Board has chosen to delete the definition from the CCR and will rely instead upon the statutory definition.

The definition of "Rollover distribution" is modified to include the exception made by the 2001 Tax Act that allows a participant to rollover an account in one qualified tuition program to another qualified tuition program at least once each year without requiring a change of beneficiary.

A new provision (c) is added to the definitions in CCR 30950 titled, "Electronic Communications" to make clear that written requests and signatures may also include electronic communications or signatures to the extent that they conform to the provisions of California and federal electronic signature laws.

2. CCR Section 30951 adds a new provision (d) to clarify that entity account owners that open ScholarShare accounts must include substantiation regarding their legal status and the authority of the person(s) who will be signing on the account.

A new provision (f) is added to this same section to make it clear that account owners may cancel their accounts at any time and defines a cancelled account as one where a non-qualified distribution brings the account balance to zero.

3. CCR Section 30952 (a) is changed to delete the reference to the Change of Beneficiary form, thus conforming to the deletion of the form from the definitions in CCR Section 30950. The deletion means the account owner may change the beneficiary by submitting a written request to the program administrator. In the request, the account



owner must certify that the newly designated beneficiary is a member of the family of the current beneficiary. The member of family rule is a requirement of both the federal and state statute.

4. The 2001 Tax Act removed the provision in Section 529 of the Internal Revenue code that required qualified tuition programs to collect a more than de minimis penalty for distributions that are made for a purpose other than for paying qualified higher education expenses. However, Education Code Sections 69983(g) and 69985(a) still require the Board to collect such a penalty when accounts are cancelled. The Board is pursuing a legislative change to remove the collection of a cancellation penalty from State statute. In order to minimize the application of this penalty until the State statute is changed to conform to the federal statute, the Board chose to narrowly define "account cancellation" in a new Section 30950 (f). The Board also agreed to change the penalty from ten (10) percent to one (1) percent. The Board removed all other references to the de minimis penalty from the regulations.

The Board changed the title of CCR Section 30953(a) to "Cancellation Penalty" to make it clear that the only penalty levied is the statutorily required cancellation penalty.

CCR Section 30953(c) is modified to remove the reference to the five-year methodology for determining maximum contribution limits to the ScholarShare program. The current five-year rule is still included in the Education Code and has its basis in the safe harbor found in the proposed federal regulations. Private letter rulings by the Internal Revenue Service (IRS) issued after the publication of the proposed regulations indicate that the IRS will allow other possible models for determining maximum limits. Most qualified tuition programs administered by other states have chosen to use other models that result in higher maximum limits than the five-year rule allows. The higher limits are more realistic and beneficial to those participants who expect their beneficiaries to attend high cost colleges and universities.

The ScholarShare program must continue to use the five-year rule until such time as a change to State statute is made. In the meantime, the Board approved the removal of the more restrictive five-year language in CCR Section 30953(c) in order to allow the flexibility of using other methodology approved by the IRS at a future date after the Education Code is changed. The proposed regulatory language does not conflict with the current Education Code.

Section 30953(d) is deleted from regulations due to the deletion of the de minimis penalty requirement from federal statute. Prior to the change in the federal statute, the program administrator was required to collect the penalty on any refunds from educational institutions to beneficiaries that were not used for qualified higher education expenses. Beginning January 1, 2002, this will no longer be required.

5. CCR Section 30954(e) is modified to remove the detailed documentation requirements that participants currently must follow in order to withdraw funds from ScholarShare accounts without penalty when a beneficiary dies, is disabled or receives a scholarship. The new regulations allow the account owner to simply request a non-qualified distribution. It is no longer necessary for an account owner to provide documentation of any of these conditions since the program administrator is no longer required by federal statute to distinguish between qualified withdrawals and non-qualified withdrawals for the purpose of collecting a penalty.
6. CCR Section 30956(c) is deleted in its entirety since the requirements in this section are redundant with Education Code Section 69982(j) or, in the case of the de minimis penalty, are no longer required by federal statute. This corresponds to the change made to CCR Section 30953(c).  
  
As stated above, the Board anticipates a change to Education Code to the five-year rule and is therefore deleting all reference in the current regulations on this point.
7. CCR Section 30958 is modified to reflect a change made by the 2001 Tax Act that allows rollover distributions at least once each year without requiring the participant to change the beneficiary. The 2001 Tax Act also changed the name of the program from "qualified State tuition program" to "qualified tuition program" and the change is noted throughout this section.

#### DISCLOSURES REGARDING THE PROPOSED ACTION

The Board has made the following determinations:

Fiscal impact on Public Agencies including Costs or Savings to State Agencies or Cost/Savings in Federal funding to the State: None.

Non-discretionary Costs/Savings to local Agencies: None.

Mandate on local agencies and school districts: None.

Cost to any local agency or school district which must be reimbursed in accordance with Government Code section 17500 through 17630: None.

#### BUSINESS IMPACT

The Board has made an initial determination that the proposed regulatory action will not have a significant adverse economic impact on California businesses, including the ability of California businesses to compete with businesses in other states. This is a voluntary savings program. No studies or relevant data were relied upon in making the above determination.

The Board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed regulatory action.

#### IMPACT ON JOBS/NEW BUSINESSES

The Board has determined that this regulatory proposal will not have significant impact on the creation of jobs or businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

#### SIGNIFICANT EFFECT ON HOUSING COSTS

The Board has made an initial determination that the proposed regulatory action will not have a significant effect on housing costs.

#### SMALL BUSINESS IMPACT STATEMENT

The Board has determined that these proposed regulations may affect small businesses.

#### CONSIDERATION OF REASONABLE ALTERNATIVES

The Board must determine that no reasonable alternative considered by the Board or that has otherwise been identified and brought to the attention of the Board would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

#### AVAILABILITY OF THE EXPRESS TERMS OF THE REGULATIONS/INITIAL STATEMENT OF REASONS; AGENCY CONTACT PERSON/INTERNET ACCESS

The Scholarshare Investment Board has established a rulemaking file for this regulatory action which contains those items required by law. The file is available for inspection at the Board's office at 915 Capitol Mall, Room 219, Sacramento, CA 95814, during normal business hours. As of the date this Notice is published in the Notice Register, the rulemaking file includes this Notice, the Initial Statement of Reasons ("ISOR"), and the proposed text of the regulations.

Inquiries concerning the proposed regulations, questions about the substance of the proposed regulations, request for copies of the proposed text of the regulations or ISOR, and written comments

regarding the substance of the proposed regulations shall be submitted or directed to:

Carrie Douglas Fong  
ScholarShare Investment Board  
915 Capitol Mall, Room 219  
Sacramento, CA 95814  
Telephone (916) 653-3354  
Fax—(916) 651-6382  
Email—[cfong@treasurer.ca.gov](mailto:cfong@treasurer.ca.gov)

The following person is designated as a backup contact person:

Kristen Anderson Wagner  
ScholarShare Investment Board  
Telephone—(916) 653-2680

Materials published or distributed through the ScholarShare Investment Board's website can be accessed at <http://www.treasurer.ca.gov>

#### CHANGES SUBSEQUENT TO WRITTEN COMMENTS

After the close of the forty-five (45) day written comment period and following a public hearing, if any is requested, the Board may adopt the proposed regulations substantially as described in this Notice without written further notice. As a result of written comments, either oral or written, that are received by the Board regarding this proposal, the Board may determine that changes to the proposed regulations are appropriate. If those changes are sufficiently related to the original text of the regulations, copies of the revised text will be made available to the public for a period of at least fifteen (15) calendar days before the Board adopts the regulations as modified. Inquiries about the request for copies of any changed or modified regulations should be addressed to the Board Contact Person identified in the Notice.

#### AVAILABILITY OF FINAL STATEMENT OF REASONS

The Board is required to prepare a Final Statement of Reasons. Once this document has been prepared, a copy will be made available to anyone who requests a copy. Requests for copies should be addressed to the Board Contact Person identified in this Notice or may be accessed at the website indicated in this Notice.

### TITLE 10. DEPARTMENT OF CORPORATIONS

#### NOTICE IS HEREBY GIVEN

The California Corporations Commissioner ("Commissioner") proposes to amend regulations under the CORPORATE SECURITIES LAW OF 1968 relating to investment adviser and investment adviser representative applications, amendments, reports, notices, and fees required to be filed with the Commissioner.

The Commissioner proposes to amend sections 260.230, 260.230.1, 260.231, 260.231.2, 260.231.3, 260.236, 260.236.1, 260.236.2, 260.237.1, 260.240, 260.241.2, 260.241.3, 260.241.4 and 260.242 of the California Code of Regulations.

#### **PUBLIC HEARING**

No public hearing is scheduled. Any interested person or his or her duly authorized representative may request, in writing, a public hearing pursuant to Section 11346.8(a) of the Government Code. The request for hearing must be received by the Department of Corporations' ("Department") contact person designated below no later than 15 days prior to the close of the written comment period.

#### **WRITTEN COMMENT PERIOD**

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to the Department of Corporations, addressed to Kathy Womack, Office of Law and Legislation, Department of Corporations, 1515 K Street, Suite 200, Sacramento, CA 95814-4052, no later than 5:00 p.m., March 4, 2001. Written comments may also be sent to Kathy Womack (1) via electronic mail at [regulations@corp.ca.gov](mailto:regulations@corp.ca.gov) or (2) via fax (916) 322-5875.

#### **INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Under the Corporate Securities Law of 1968 ("CSL"), the Commissioner is responsible for the regulation of certain investment advisers and investment adviser representatives. Pursuant to this authority, investment advisers must obtain a license from the Commissioner, including providing an application and various additional documents and fees. The Commissioner proposes to amend the rules outlining the procedures for applications and other filings for investment advisers and investment adviser representatives to provide that all applications, amendments, reports, notices and fees may be filed with the Investment Adviser Registration Depository ("IARD").

IARD is a new Internet-based national electronic filing system for investment advisers, established through a joint effort between the Securities and Exchange Commission ("SEC") and the North American Securities Administrators Association ("NASAA"). IARD allows an investment adviser to utilize a modem and the Internet to register as an investment adviser with both the SEC and the states, respectively, and to file the required applications, notices, reports, renewals and fees electronically. The SEC and NASAA have contracted for IARD to be built and operated by the National Association of Securities Dealers Regulation, Inc.

The SEC has mandated its investment adviser registrants (i.e., SEC-registered investment advisers) use IARD to make all filings with the SEC beginning January 1, 2001. NASAA has been working with the various state securities administrators to assist states in transitioning their investment advisers to filing with IARD as soon as practicable. These regulations implement changes necessary for California's investment advisers to transition to filing with IARD, and amend various existing procedures and requirements to provide uniformity with other states and to reduce paperwork.

The policy objectives in transitioning investment advisers to filing with IARD are as follows: to implement a filing system in California that is uniform with other states and the SEC; to increase consumer awareness and consumer protection by providing for public access to information on investment advisers; to enable investment advisers registered in more than one state to utilize a single database for all filing and reporting requirements; to increase consumer protection by enabling securities administrators in other jurisdictions to access California's database on investment advisers; to reduce the additional documents and standards for investment advisers in California that differ from other states; and to improve the efficiency and technology of the Department of Corporations ("Department") by eliminating or reducing paper filings and manual record-keeping.

Existing law provides that the Commissioner may, by rule, prescribe the form and detail of an investment adviser's application and other reporting requirements. The Commissioner is proposing rules setting forth procedures for both state and SEC-registered investment advisers to make filings with IARD. The Commissioner is further proposing rules setting forth procedures for investment advisers who choose not to participate in IARD to make filings directly with the Commissioner.

#### **Section 260.230**

Section 260.230, entitled "Electronic Filings," is proposed to be added to set forth the authority for investment advisers to make filings with IARD. The new section designates IARD to accept filings on behalf of the Commissioner, provides for the acceptance of electronic signatures, and provides that the electronic signature shall constitute irrefutable evidence of a legal signature. Section 260.230 further provides that documents are considered filed when the necessary fees are received by IARD. Also, Section 260.230 provides that filings that cannot be accepted by IARD are to be filed in paper directly with the Commissioner.



Section 260.230.1

Section 260.230.1, entitled "Notice Filing Requirements for Investment Advisers Registered under Section 203 of the Investment Advisers Act of 1940," is proposed to be added to set forth the filing requirements for investment advisers registered with the SEC. Section 260.230.1 provides that SEC-registered investment advisers must file a notice with IARD within 30 days of doing business in California, and provides that, in the event that Part II of Form ADV is not accepted by IARD, the SEC-registered investment advisers need not provide Part II of the form with the notice if they agree to provide it to the Commissioner upon request. Section 260.230.1 further sets forth procedures for the annual renewal of the notice, for amending the filing, for reporting investment adviser representatives, and for switching to state registration.

Section 260.231

Section 260.231 is proposed to be amended to repeal the existing language, which sets forth the application for state-registered investment advisers, and to adopt new language setting forth procedures for state-registered investment advisers to apply for a certificate as an investment adviser by filing Form ADV with IARD. Section 260.231 further instructs state-registered investment advisers to file Part II of Form ADV directly with the Commissioner until such time as the form can be filed with IARD, and provides that the Commissioner may require state-registered investment advisers to submit directly to the Commissioner additional specified documents, including a Customer Authorization of Disclosure of Financial Records, a Consent to Service of Process or Form U-2, a Statement of Financial Condition, Advisory Contracts, and Proof of Compliance with the Qualification Requirements.

Proposed Section 260.231 provides that the filing fee is effective for the calendar year during which the certificate is granted, and that the fee is nonrefundable. Section 260.231 further provides that the filing is complete when the Commissioner receives the fee and all required submissions. Section 260.231 also sets forth procedures for the annual renewal of the certificate, for amending the filing of Form ADV, for reporting investment adviser representatives, for succeeding to the business of an investment adviser, and for switching to SEC registration.

Section 260.231.2

Proposed Section 260.231.2 sets forth the application procedures for investment advisers not filing through the IARD. Section 260.231.2 instructs applicants to file Form ADV directly with the Commissioner at the Sacramento office, and provides that the

Commissioner may require the investment adviser to provide additional documents to the Commissioner, including a Customer Authorization of Disclosure of Financial Records, a Consent to Service of Process or Form U-2, a Statement of Financial Condition, Advisory Contracts, and Proof of Compliance with the Qualification Requirements.

Proposed Section 260.231.2 further provides that the filing fee is effective for the calendar year during which the certificate is granted, and that the fee is nonrefundable. Section 260.231.2 also provides that the filing is complete when the Commissioner receives the fee and all required submissions. Section 260.231.2 additionally sets forth procedures for the annual renewal of the certificate, for amending the filing of Form ADV, for reporting investment adviser representatives, for succeeding to the business of an investment adviser, and for switching to SEC registration.

Finally, proposed Section 260.231.2 sets forth required disclosures pursuant to federal law explaining the potential uses to be made of social security account numbers.

Section 260.231.3

Section 260.231.3, entitled "Representation of Eligibility by Investment Adviser," is proposed to be added to provide that a filing with IARD or directly with the Commissioner constitutes a representation by the investment adviser that the investment adviser is not ineligible to receive a certificate as an investment adviser based upon the investment adviser's immigration status. Proposed Section 260.231.3 further provides that, in lieu of filing the Statement of Citizenship, Alienage, and Immigration Status form, an investment adviser applicant filing with IARD or filing directly with the Commissioner may instead maintain the executed form in its books and records with the appropriate supporting documentation, provided that the investment adviser agrees to deliver the form and documentation to the Commissioner upon request.

Section 260.236

Section 260.236 is proposed to be amended to remove the waiver from the securities exam qualification requirement for an investment adviser or investment adviser representative who has been employed in the securities business, as specified, in the banking or insurance industries for two or more years since passing specified securities examinations.

Section 260.236.1

Section 260.236.1, entitled "Reporting Requirements for Investment Adviser Representatives Filing Through the Investment Adviser Registration Depository," is proposed to be added to set forth the

procedural requirements for an investment adviser to report the employment of an investment adviser representative or associated person through the IARD. Proposed Section 260.236.1 provides that the section shall become effective ninety days after the Commissioner provides notice to investment advisers, or January 1, 2003, whichever occurs earlier.

Proposed Section 260.236.1 provides that, upon the employment of an investment adviser representative or associated person, an investment adviser shall obtain an executed Form U-4 and evidence that the investment adviser representative meets the qualification requirements of Section 260.236 of the rules. Further, proposed Section 260.236.1 provides that the investment adviser has the duty to ascertain by reasonable investigation the good character, business reputation, qualifications, and experience of an individual upon employment or engagement as an investment adviser representative or associated person. Proposed Section 260.236.1 provides that the investment adviser is to obtain the Form U-5 filed with the IARD by the individual's previous employer. The investigation, or a reasonable effort, is to be conducted no later than 30 days following the filing of the Form U-4 with the IARD. Upon completion of the investigation the investment adviser is to take whatever action is deemed appropriate in accordance with sound business practice and the protection of investors.

Proposed Section 260.236.1 further instructs an investment adviser reporting investment adviser representatives to file Form U-4 with IARD and pay the required fees, and provides that the filing is approved when the Commissioner approves the filing and the approval is received by IARD. Section 260.236.1 further provides that investment advisers are to provide additional information, documentation, or details pertaining to the Form U-4 or the qualification requirements within 15 days from the date of the request.

Also, proposed Section 260.236.1 requires an investment adviser to file changes to Form U-4 within 30 days, and to file Form U-5 within 30 days of the termination of an individual. The section provides that an investment adviser is responsible for the acts, practices, and conduct of an investment adviser representative until Form U-5 is filed.

Proposed Section 260.236.1 additionally sets forth the same filing requirements for investment adviser representatives subject to Section 25230.1(c) of the Code.

#### Section 260.236.2

Section 260.236.2, entitled "Reporting Requirements for Investment Adviser Representatives Not Filing Through the Investment Adviser Registration Depository," is proposed to be added to set forth the

procedural requirements for an investment adviser to report the employment of an investment adviser representative or associated person directly with the Commissioner. The proposed section provides that it is applicable to investment advisers that do not participate in IARD, and all investment advisers until the provisions in proposed Section 260.236.1 become effective.

Proposed Section 260.236.1 provides that, upon the employment of an investment adviser representative or associated person, an investment adviser shall obtain an executed Form U-4 and evidence that the investment adviser representative meets the qualification requirements of Section 260.236 of the rules. Further, proposed Section 260.236.1 provides that the investment adviser has the duty to ascertain by reasonable investigation the good character, business reputation, qualifications, and experience of an individual upon employment or engagement as an investment adviser representative or associated person. Proposed Section 260.236.1 provides that the investment adviser is to obtain the Form U-5 filed with the IARD by the individual's previous employer. The investigation, or a reasonable effort, is to be conducted no later than 30 days following the filing of the Form U-4 with the IARD. Upon completion of the investigation the investment adviser is to take whatever action is deemed appropriate in accordance with sound business practice and the protection of investors.

Proposed Section 260.236.2 instructs an investment adviser to file Form U-4 directly with the Commissioner and pay the required fees upon employment of an individual as an investment adviser representative or associated person, and provides that the filing is approved when the Commissioner approves the filing and the investment adviser is notified of the approval. Section 260.236.1 further provides that investment advisers are to provide additional information, documentation, or details pertaining to the Form U-4 or the qualification requirements within 15 days from the date of the request.

Also, proposed Section 260.236.2 requires an investment adviser to file changes to Form U-4 within 30 days, and to file Form U-5 within 30 days of the termination of an individual. The section provides that an investment adviser is responsible for the acts, practices, and conduct of an investment adviser representative until Form U-5 is filed.

#### Section 260.237.1

Section 260.237.1 is proposed to be amended to repeal the existing language regarding capital requirements, and to adopt new language setting forth the minimum financial requirements for investment advisers.

ers. Section 260.237.1 provides that an investment adviser with custody of client funds or securities must maintain a minimum net worth of \$35,000, and provides that an investment adviser with discretionary authority over client funds or securities must maintain a minimum net worth of \$10,000.

Proposed Section 260.237.1 further provides that an investment adviser who accepts a prepayment of more than \$500 per client must maintain a positive net worth, and that an investment adviser must notify the Commissioner if its total worth is less than the minimum required and file specified financial statements.

Proposed Section 260.237.1 defines “net worth” as an excess of assets over liabilities, as determined by generally accepted accounting principles, but excluding certain specified assets. Section 260.237.1 further specifies what constitutes “custody” of funds and when an investment adviser is “exercising discretion” over funds. Section 260.237.1 provides that the Commissioner may require a current appraisal to establish the worth of an asset, and provides that an investment adviser with a principal place of business in an other state must only maintain the minimum capital required in that other state, provided that the investment adviser is licensed in that other state and in compliance with its minimum capital requirements.

#### Section 260.240

Section 260.240 is proposed to be amended to provide that an investment adviser’s electronic signature on the Execution Page of Form ADV filed with IARD constitutes the consent to service of process required under Section 25240 of the Corporations Code. Section 260.240 is further proposed to be amended to provide that a broker-dealer’s electronic signature of the Form BD Execution Page in the Central Registration Depository constitutes the consent to service of process required under Section 25240 of the Corporations Code.

#### Section 260.241.2

Section 260.241.2 is proposed to be amended to provide that the annual report for investment advisers is to have supporting schedules containing computations of the minimum financial requirements required under the new Section 260.237.1. Section 260.241.2 is further being amended to provide that an investment adviser’s financial statements need not be audited if the investment adviser only has discretionary authority over client funds or securities, and to provide that every investment adviser must file a report within 15 days after its net worth is reduced to less than 120% of its required minimum net worth.

#### Section 260.241.3

Section 260.241.3 is proposed to be amended to provide that, in addition to the current books and records requirements, every licensed investment adviser’s books and records must include worksheets containing computations of minimum financial requirements, a Customer Authorization of Disclosure of Financial Records form, a Statement of Citizenship, Alienage, and Immigration Status form, and evidence of compliance with Section 260.236.

#### Section 260.241.4

Section 260.241.4 is proposed to be amended to set forth procedures for investment advisers to file an amendment to an application. The proposed amendments to Section 260.241.4 further provide that an investment adviser is to file changed information in its Form ADV with IARD, and that an investment adviser is to file an annual updating amendment with IARD within 90 days of the end of the investment adviser’s fiscal year. The proposed amendments provide that investment advisers who do not participate in IARD are to file directly with the Commissioner. The proposed amendments to Section 260.241.4 also provide that an investment adviser is to notify the Commissioner upon the employment of an investment adviser representative or associated person.

#### Section 260.242

Section 260.242 is proposed to be amended to repeal the existing language, setting forth the procedure and form for the surrender of a certificate as a broker-dealer or investment adviser, and to adopt new language setting forth new procedures for the surrender of a certificate as a broker-dealer or investment adviser. Proposed Section 260.242 provides that a broker-dealer is to file with the Central Registration Depository an application to surrender a certificate as a broker-dealer on Form BDW if the broker-dealer is a member of the National Association of Securities Dealers, Inc., or to file the form directly with the Commissioner if the broker-dealer is not a member. Further, Section 260.242 provides that an investment adviser is to file Form ADV-W with IARD to surrender a certificate as an investment adviser does. If the investment adviser does not participate in IARD, proposed Section 260.242 provides that Form ADV-W is to be filed directly with the Commissioner.

#### **AUTHORITY**

Sections 25230, 25230.1, 25231, 25236, 25237, 25240, 25241, 25242, 25610 and 25612.5, Corporations Code.

#### **REFERENCE**

Sections 25211, 25230, 25230.1, 25231, 25236, 25237, 25240, 25241, 25242, and 25612.5, Corporations Code.



**AVAILABILITY OF MODIFIED TEXT**

The text of any modified regulation, unless the modification is only non-substantial or solely grammatical in nature, will be made available to the public at least 15 days prior to the date the Department adopts the regulation. A request for a copy of any modified regulation should be addressed to the contact person designated below. The Commissioner will accept written comments on the modified regulations for 15 days after the date on which they are made available. The Commissioner may thereafter adopt, amend or repeal the foregoing proposal substantially as set forth above without further notice.

**AVAILABILITY OF INITIAL  
STATEMENT OF REASONS,  
TEXT OF PROPOSED REGULATIONS/  
INTERNET ACCESS**

The express terms of the proposed action may be obtained upon request from any office of the Department. Request Document OP 19/00-B. An initial statement of reasons for the proposed action containing all the information upon which the proposal is based is available from the contact person designated below. Request Document OP 19/00-C. These documents are also available at the Department's Website [www.corp.ca.gov](http://www.corp.ca.gov). As required by the Administrative Procedure Act, the Office of Law and Legislation maintains the rulemaking file. The rule-making file is available for public inspection at the Department of Corporations, Office of Law and Legislation, 1515 K Street, Suite 200, Sacramento, California.

**AVAILABILITY OF THE FINAL  
STATEMENT OF REASONS**

Upon its completion, the Final Statement of Reasons will be available and copies may be requested from the contact person named in this notice or may be accessed on the website listed above.

**CONSIDERATION OF ALTERNATIVES**

In accordance with Government Code Section 11346.5, subdivision (a)(13), the Department must determine that no reasonable alternative it considered or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

**FISCAL IMPACT**

- Cost or Savings to any State Agency: None.
- Direct or Indirect Costs or Savings in Federal Funding to the State: None.

- Other nondiscretionary cost or savings are imposed on local agencies: None.

**DETERMINATIONS**

The Commissioner has made an initial determination that the proposed regulatory action:

- Does not have an effect on housing costs.
- Does not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- Does not impose a mandate on any local agency or school district or a mandate that is required to be reimbursed pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code.
- Does not significantly affect (1) the creation or elimination of jobs within the State of California; (2) the creation of new businesses or the elimination of existing businesses within the State of California; (3) the expansion of businesses currently doing business within the State of California.
- Cost impacts on representative private person or business: The proposed regulatory action sets forth the option for investment advisers to follow procedures substantially similar to the procedures already required for making various filings with the Department of Corporations, but also adds the option for investment advisers to make filings through IARD. The Department of Corporations is not aware of any cost impacts that a representative person or business would necessarily incur in reasonable compliance with the proposed action due to the voluntary nature of procedures for electronic filing.

**EFFECT ON SMALL BUSINESS**

It has been determined that the adoption of these regulations will not affect small business. Under Government Code Section 11342.610(b)(1), an investment adviser is not a small business.

**CONTACT PERSON**

Nonsubstantive inquiries concerning this action, such as requests for copies of the text of the proposed regulations or questions regarding timelines, may be directed to Kathy Womack at (916) 322-3553. The backup contact person is Karen Fong at (916) 322-3553. Inquiries regarding the substance of the proposed regulation may be directed to Colleen E. Monahan, Corporations Counsel, Department of Corporations, 1515 K Street, Suite 200, Sacramento, California 95814-4052. (916) 323-7384.



## TITLE 16. BOARD OF PSYCHOLOGY

NOTICE IS HEREBY GIVEN that the Board of Psychology (hereinafter "board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at Embassy Suites-LAX South, 1440 Imperial Avenue, El Segundo, California, at 10:00 a.m., on March 9, 2002. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the board at its office not later than 5:00 p.m. on Wednesday, March 6, 2002, or must be received by the board at the hearing. The board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

### AUTHORITY AND REFERENCE

Pursuant to the authority vested by Section 2930 of the Business and Professions Code, and to implement, interpret or make specific Section 2914 of said Code, the board is considering changes to Division 13.1 of Title 16 of the California Code of Regulations as follows:

### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Board regulation section 1387.1 addresses the qualifications and responsibilities of primary supervisors. Among other things, the regulation requires supervisors to complete at least six hours of formal training in supervision on a one-time basis.

This proposal would make the six-hour training or coursework a repeated requirement. It would require supervisors to certify they have completed such training or coursework in the two-year period prior to the occurrence of the supervised professional experience (SPE) being verified. The requirement would apply to any SPE accrued on or after January 1, 2003.

### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Sections 17500 through 17630 Requires Reimbursement: None

### BUSINESS IMPACT

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

### AND

The following studies/relevant data were relied upon in making the above determination: None

### IMPACT ON JOBS/NEW BUSINESSES

The board has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

### COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The board is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

Effect on Housing Costs: None

### EFFECT ON SMALL BUSINESS

The board has determined that the proposed regulations would affect small businesses.

### CONSIDERATION OF ALTERNATIVES

The board must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

### INITIAL STATEMENT OF REASONS AND INFORMATION

The board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

**TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board of Psychology at 1422 Howe Avenue, Suite 22, Sacramento, California 95825.

**AVAILABILITY AND LOCATION OF THE  
FINAL STATEMENT OF REASONS  
AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file which is available for public inspection by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below **or** by accessing the website listed below.

**CONTACT PERSON**

Inquiries or comments concerning the proposed administrative action may be addressed to:

Name: Kathy Bradbury  
Address: 1422 Howe Avenue, Suite 22  
Sacramento, CA 95825  
Telephone No.: (916) 263-0712  
Fax No.: (916) 263-2697  
E-Mail Address: kathy\_bradbury@dca.ca.gov

The backup contact person is:

Name: Jeff Thomas  
Address: 1422 Howe Avenue, Suite 22  
Sacramento, CA 95825  
Telephone No.: (916) 263-1617  
Fax No.: (916) 263-2697  
E-Mail Address: jeff\_thomas@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Kathy Bradbury at (916) 263-0712.

Website Access: Materials regarding this proposal can be found at [www.psychboard.ca.gov](http://www.psychboard.ca.gov).

**TITLE 16. BUREAU OF  
AUTOMOTIVE REPAIR**

NOTICE IS HEREBY GIVEN that the Department of Consumer Affairs/Bureau of Automotive Repair (hereinafter "Bureau") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at hearings to be held at the following locations on the following dates:

Southern California

**March 6, 2002, 10:00 a.m.**  
Bureau of Automotive Repair  
1180 Durfee Avenue, Suite 120  
Conference/Training Room  
South El Monte, CA 91733  
and

Northern California

**March 8, 2002, 10:00 a.m.**  
Department of Consumer Affairs  
400 R Street, Suite 1030  
First Floor Hearing Room  
Sacramento, CA 95814

**Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Bureau at its office not later than 5:00 p.m. on Friday, March 8, 2002, or must be received by the Bureau at the above referenced hearings.** The Bureau, upon its own motion or at the instance of any interested party, may thereafter formally adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit oral or written testimony related to this proposal or who have requested notification of any changes to the proposal.

**AUTHORITY AND REFERENCE**

Pursuant to the authority vested by Section 9882 of the Business and Professions Code and Sections 44001.5, 44002, 44012 and 44013 of the Health and Safety Code, and to implement, interpret or make specific Sections 9884.8 and 9884.9 of the Business and Professions Code and Sections 44003, 44010, 44010.5, 44012, 44014, 4404.7, 44015, 44017, 44017.1, 44033, 44036, and 44037.1 of the Health and Safety Code, the Bureau is considering changes to Division 33 of Title 16 of the California Code of Regulations as follows:

**INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW**

The Bureau, within the Department of Consumer Affairs, is the state agency charged with the administration and implementation of the Smog Check Program (Program). The Program is designed to reduce emissions from mobile sources such as passenger vehicles and trucks by requiring that these vehicles meet specific in-use emissions standards as verified by periodic inspections. To ensure uniform

and consistent vehicle testing, the Bureau licenses smog check stations and technicians and certifies inspection equipment.

Mobile source emissions reductions are achieved when high-emitting vehicles are identified and then repaired. If the pass/fail standards (cutpoints) are too lenient, vehicles with excessive emissions will not fail a smog check inspection, and needed repairs will not be made to the vehicle to reduce its emissions. If high-emitting vehicles are not identified and repaired, the effectiveness of the Program is greatly diminished.

Consistent with state statute and federal regulation, loaded-mode (dynamometer-based) testing began in all enhanced areas of the state on June 8, 1998. The test protocol used is the Acceleration Simulation Mode (ASM) test, which places a calculated load on the vehicle and measures emissions at 15 and 25 miles per hour. Loaded-mode testing is a more comprehensive evaluation of a vehicle's exhaust because it allows for the measurement of oxides of nitrogen (NOx), a critical element in the formation of smog. The previous test, the static two-speed idle method, did not provide for NOx measurement.

Currently, vehicles with a manufacturer-assigned gross vehicle weight rating (GVWR) of over 8,500 pounds are given the less stringent static idle test. With the increasing sales of light and heavy-duty trucks, substantive emissions reductions can be achieved if these most of these vehicles are subjected to the more comprehensive testing protocol. Passenger vehicles typically have a weight rating of less than 8,501 pounds, and therefore, are already subject to the loaded-mode test protocol.

In the middle of 2000, the California Air Resources Board (ARB) released a report on the effectiveness of the Program. ARB's report indicates that while the current Program is reducing a significant amount of motor vehicle emissions, improvements to the Program must be made if California is to meet federal air quality standards. For example, California's 1995 State Implementation Plan—the blueprint submitted to the United States Environmental Protection Agency that explains how the state will achieve compliance—claimed an emissions reduction of 112 tons per day (tpd) for the Program. After careful analysis, the emissions reductions associated with the Program are closer to 65 tpd. Obviously, improvements to the Program are needed.

In a joint letter to the USEPA explaining how the shortfall could be eliminated, the Bureau and ARB asserted that near-term improvements to the Smog Check Program would result in a statewide emission reduction of almost 14 tpd by 2002. By 2005, the benefit increases to almost 22 tpd, and in 2008, the benefit reaches its maximum projected value of 24.1 tpd. The proposed improvements includes: more

stringent emission cutpoints, loaded-mode testing for heavy-duty trucks, a remote sensing component, improved evaporative testing, and more vehicles directed to test-only or high-performing test-and-repair stations. Of course, other long-term changes to the Program such as the elimination of the 30-year rolling exemption may also be necessary, but such changes are outside the scope of these proposed regulations.

From many perspectives, achieving compliance with the federal air quality standards is vitally important to California. The federal government may withhold highway trust funds or impose other sanctions on the state, including the implementation of a federally designed Smog Check Program. Noncompliance has already triggered a third-party lawsuit against local metropolitan planning agencies, which rely on the emission reductions of the Program to acquire approval and funding for local transportation improvement projects.

One of the items recommended in the ARB report was to subject heavy-duty vehicles to the loaded-mode test protocol. As mentioned earlier, it is only loaded-mode testing that accurately measures the production of NOx. The existing test protocol for heavy-duty vehicles does not.

#### SUMMARY OF EXISTING LAWS AND REGULATIONS

Existing regulations:

- Generally define a heavy-duty vehicle as a vehicle having gross vehicle weight rating, as assigned by its manufacturer, of 8,501 pounds or more.
- Establish pass/fail emission standards and gross polluter standards for heavy-duty vehicles based on the two-speed idle test protocol.

#### EFFECTS OF REGULATORY ACTION

This regulatory action adopts one of the ARB's recommendations—subjecting heavy-duty vehicles to loaded-mode testing—to make the Program more effective. This change would only affect heavy-duty vehicles registered or seeking registration in the enhanced areas of California. The Bureau notes that this change could be considered incremental because vehicles with a GVWR that exceed 8,501 pounds are not currently exempt from smog check inspection requirements. In other words, these regulations are not subjecting a new class of vehicles to the Program; rather, these regulations are changing the applicable test type for a class of vehicles already subject to the Program.

Specifically, this regulation:

- Establishes a new table in section 3340.42 that contains *loaded-mode* pass/fail exhaust emissions

standards and gross polluter standards for vehicles with a weight rating of less than 10,000 pounds.

- Allows technicians to use the existing two-speed idle test protocol if they encounter a heavy-duty vehicle that is loaded beyond the weight capacity of the dynamometer or is otherwise physically incompatible with loaded-mode testing. The authority to use the two-speed idle test does not extend to vehicles that have had performance or chassis modifications that are unrelated to business.
- Requires the technician to note on the final invoice the reason the vehicle was given the two-speed idle test.

In addition, the entire section will undergo a comprehensive reorganization to simplify and clarify many of its provisions. This reorganization consists mainly of reordering and/or renumbering subsections, paragraphs and subparagraphs. Some clarifying, technical amendments are proposed, but there will be no change in the meaning or effect of any existing provision as a result of these changes or the reorganization.

Finally, with the incorporation in section 3340.42 of specific standards for the testing, both loaded-mode and two-speed idle mode, of heavy-duty vehicles, section 3340.42.1 becomes duplicative and unnecessary. Therefore, section 3340.42.1 will be repealed in its entirety.

#### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: None

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

#### BUSINESS IMPACT

The Bureau has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

#### IMPACT ON JOBS/NEW BUSINESSES

The Bureau has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

#### COST IMPACT ON PRIVATE PERSONS OR ENTITIES

The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to the Bureau are:

The Bureau of Automotive Repair estimates that private individuals or entities could be affected by these regulations since the more stringent test will lead to more inspection failures. Consequently, owners of heavy-duty vehicles will be required to make repairs themselves and/or have repairs made on their vehicles. The average repair cost for heavy-duty vehicles in the enhanced program areas was only \$128 in calendar year 2000.

From a numerical perspective, the Bureau estimates that 137,000 vehicles, which currently receive the two-speed idle test, would now receive the loaded-mode test annually. Currently, less than eight percent of the heavy-duty vehicles tested fail the two-speed idle test. BAR estimates that the failure rate will only increase to less than 13% upon the adoption of the loaded-mode test procedure. The Bureau estimates that the total repair cost impact of the proposed change on affected owners of heavy-duty vehicles to be approximately \$37,737, assuming the average emission repair cost remains constant.

To mitigate the costs of repairs, the Bureau administers the Consumer Assistance Program, which offers eligible vehicle owners options to defray the cost of compliance with the requirements of the Program. If an owner of a heavy-duty vehicle meets certain income qualifications, the Bureau will pay up to \$500 in emissions-related repairs with a mere \$20 co-payment.

It is critical to note that only heavy-duty vehicles registered in, or seeking registration in, enhanced areas will be affected by this regulatory change. Vehicles registered in basic areas will not be affected by this proposed change. Moreover, if the vehicle is configured in such a way that a loaded-mode test is not feasible, the technician can still test the vehicle using the two-speed idle test.

Impact on Housing Costs: None

#### EFFECT ON SMALL BUSINESS

The Bureau has determined that the proposed regulations would affect small businesses.

#### CONSIDERATION OF ALTERNATIVES

The Bureau must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would either be more effective in carrying out the purpose for which the action is proposed or would be as effective



and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

#### INITIAL STATEMENT OF REASONS AND INFORMATION

The Bureau has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

#### TEXT OF PROPOSAL

Copies of the exact language of the proposed regulations, and of the statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Bureau at 10240 Systems Parkway, Sacramento, CA 95827

#### AVAILABILITY AND LOCATION OF THE RULEMAKING FILE AND THE FINAL STATEMENT OF REASONS

All the information upon which the proposed regulations are based is contained in the rulemaking file that is available for public inspection by contacting the Bureau of Automotive Repair at the address mentioned above.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

#### CONTACT PERSON

Inquiries or comments concerning the proposed administrative action may be addressed to:

James Allen, Regulations Analyst  
Bureau of Automotive Repair  
10240 Systems Parkway  
Sacramento, CA 95827  
Telephone: (916) 255-4300  
Fax No.: (916) 255-1369  
E-mail: jim\_allen@dca.ca.gov

The backup contact person is:

Debbie Romani, Staff Services Manager  
Bureau of Automotive Repair  
10240 Systems Parkway  
Sacramento, CA 95827  
Telephone: (916) 255-4300  
Fax No.: (916) 255-1369  
E-mail: debbie\_romani@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Kurt Heppler who may be contacted at (916) 255-3222.

#### WEBSITE ACCESS

Materials regarding this proposal can also be found on the Bureau's website at [www.smogcheck.ca.gov](http://www.smogcheck.ca.gov).

### TITLE 16. BUREAU OF AUTOMOTIVE REPAIR

NOTICE IS HEREBY GIVEN that the Department of Consumer Affairs/Bureau of Automotive Repair (hereinafter "Bureau") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at hearings to be held at the following locations on the following dates:

#### Southern California

**March 6, 2002, 10:00 a.m.**

Bureau of Automotive Repair  
1180 Durfee Avenue, Suite 120  
Conference/Training Room  
South El Monte, CA 91733

and

#### Northern California

**March 8, 2002, 10:00 a.m.**

Department of Consumer Affairs  
400 R Street, Suite 1030  
First Floor Hearing Room  
Sacramento, CA 95814

**Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Bureau at its office not later than 5:00 p.m. on Friday, March 8, 2002, or must be received by the Bureau at the above referenced hearings.** The Bureau, upon its own motion or at the instance of any interested party, may thereafter formally adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit oral or written testimony related to this proposal or who have requested notification of any changes to the proposal.

#### AUTHORITY AND REFERENCE

Pursuant to the authority vested by Section 9882 of the Business and Professions Code and Sections 44001.5, 44002, 44012 and 44013 of the Health and Safety Code, and to implement, interpret or make specific Sections 9884.8 and 9884.9 of the Business and Professions Code and Sections 44003, 44010, 44010.5, 44012, 44014, 4404.7, 44015, 44017,

44017.1, 44033, 44036, and 44037.1 of the Health and Safety Code, the Bureau is considering changes to Division 33 of Title 16 of the California Code of Regulations as follows:

#### INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

The Bureau of Automotive Repair (Bureau), within the Department of Consumer Affairs, is the state agency charged with the administration and implementation of the Smog Check Program (Program). The Program is designed to reduce emissions from mobile sources, such as passenger vehicles and trucks, by requiring that these vehicles meet specific in-use emissions standards as verified by periodic inspections. To ensure uniform and consistent vehicle testing, the Bureau licenses smog check stations and technicians and certifies inspection equipment.

Mobile source emissions reductions are achieved when high-emitting vehicles are identified and then repaired. If the pass/fail standards (cut-points) are too lenient, vehicles with excessive emissions will not fail a smog check inspection, and needed repairs will not be made to the vehicle to reduce its emissions. If high-emitting vehicles are not identified and repaired, the effectiveness of the Program is greatly diminished.

The California Legislature recognized that some high-emitting vehicles have so much excess emissions that they warrant special treatment. Consequently, the Bureau is required by statute to develop exhaust emissions standards for gross-polluting vehicles—vehicles that emit emissions that are far in excess of their legal limit. Once a vehicle is identified as a gross polluter, statute requires that the vehicle receive its final certification from a test-only smog check station or a specially certified test-and-repair station. In response to this requirement, the Bureau promulgated regulations that established gross polluter standards.

Consistent with state statute and federal regulation, loaded-mode (dynamometer-based) testing began in all enhanced areas—urban areas that have not met federal ambient air quality standards and have been classified as serious, severe, or extreme nonattainment areas—on June 8, 1998. The test protocol used is the Acceleration Simulation Mode (ASM) test, which places a calculated load on the vehicle and measures emissions at 15 and 25 miles per hour. When loaded-mode testing commenced, the emissions standards adopted were based upon information available at the time.

In the middle of 2000, the California Air Resources Board (ARB) released a report on the effectiveness of the Program. ARB's report indicates that while the current Program is reducing a significant amount of motor vehicle emissions, improvements to the Program must be made if California is to meet federal air

quality standards. For example, California's 1995 State Implementation Plan—the blueprint submitted to the United States Environmental Protection Agency that explains how the state will achieve compliance—claimed an emissions reduction of 112 tons per day (tpd) for the Program. ARB's report found that the emissions reductions associated with the Program are closer to 65 tpd, indicating that improvements are needed.

In a joint letter to the USEPA explaining how the shortfall could be eliminated, the Bureau and ARB asserted that near-term improvements to the Smog Check Program would result in a statewide emission reduction of almost 14 tpd by 2002. By 2005, the benefit increases to almost 22 tpd; in 2008, the benefit reaches its maximum projected value of 24.1 tpd.

The proposed improvements include: more stringent emission cut-points; loaded-mode testing for heavy-duty trucks; a remote sensing component; improved evaporative testing; and more vehicles directed to test-only or high-performing test-and-repair stations. Of course, long-term changes to the Program are also necessary, but such changes are outside the scope of these proposed regulations.

One of the most critical items recommended in the ARB report was the implementation of more stringent cut-points in the enhanced areas. As mentioned above, the tougher standards would lead to more vehicles failing the inspection, which translates into more repairs on vehicles. It is the repairs that reduce emissions—not the tests. This proposal adopts the tougher, more stringent pass/fail standards and gross polluter standards recommended by the ARB.

From many perspectives, achieving compliance with the federal air quality standards is vitally important to California. The federal government may withhold highway funds or impose other sanctions on the state, including the implementation of a federally designed Smog Check Program. Noncompliance has already triggered a third-party lawsuit against local metropolitan planning agencies, which rely on the emission reductions of the Program to acquire approval and funding for local transportation improvement projects.

#### CURRENT REGULATION

Section 3340.42 of the Title 16 of the California Code of Regulations (CCR) establishes the pass/fail and gross polluter cut points for vehicles subject to the loaded-mode test protocol, as identified in the various emissions standards categories (ESCs). The cut points and ESCs are based upon a vehicle's:

- Model-year group; and,
- Gross vehicle weight rating, as assigned by the manufacturer, if the vehicle is not classified as a passenger car.

The pass/fail standards and gross polluter standards are presented in table form.

#### EFFECTS OF REGULATORY ACTION

This regulatory action, which amends the existing TABLE I in Section 3340.42, serves to implement one of the joint Bureau/ARB recommendations—more stringent cut points for vehicles subject to loaded-mode testing—to make the Program more effective. In addition, new ESCs have been added for further refinement. These new ESCs are closely aligned with the new motor vehicle emissions standards used by the ARB to certify new vehicles for sale in California and this proposal also reserves certain standards for new vehicle technologies. Both the pass/fail and gross polluter standards for the enhanced areas will be revised by the adoption of a new emissions table.

This proposal will not have any effect on the cut-points for vehicles subjected to the traditional two-speed idle test, such as those vehicles renewing or seeking registration in basic areas. Basic areas are the more rural areas of California, as well as those urban areas that meet federal ambient air quality standards.

*NOTE: There are no changes in the regulatory text except for the adoption of the revised TABLE I, Acceleration Simulation Mode Emission Standards and Gross Polluter Standards.*

#### FISCAL IMPACT ESTIMATES

Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State: There may be a slight increase in disbursements from the Bureau's High Polluter Repair or Removal Account (HPRRA), which is the funding source for a voluntary, state subsidized vehicle repair and retirement program for vehicles that fail a smog check inspection. However, the impact on the HPRRA will be minimal because of the small increase in inspection failures. Since consumer participation in this program is voluntary, not all individuals who qualify will actually participate, further minimizing the impact on the HPRRA.

Nondiscretionary Costs/Savings to Local Agencies: None

Local Mandate: None

Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement: None

#### BUSINESS IMPACT

The Bureau has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination: None

#### IMPACT ON JOBS/NEW BUSINESSES

The Bureau has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

#### COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

The cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action and that are known to the Bureau are:

The Bureau of Automotive Repair estimates that private individuals or entities (i.e., the motoring public) could be affected by these regulations since the more stringent test and cut-points will lead to more inspection failures. Consequently, consumers will be required to make repairs themselves and/or have repairs made on their vehicles. The average repair cost for enhanced area vehicles was only \$128 in fiscal year 2000/2001.

To mitigate the costs of repairs necessary to achieve compliance, the Bureau administers the Consumer Assistance Program, which offers consumers options to defray the cost of compliance with the requirements of the Program. If a consumer meets certain income qualifications, the Bureau will pay up to \$500 in emissions-related repairs with a mere \$20 co-payment. If the consumer owns a vehicle directed to a test-only station, repair assistance of up to \$500 is available with a co-payment of \$100, irrespective of the owner's income level. For those consumers who do not want to deal with repair issues, the Bureau will pay \$1,000 to retire a vehicle that has failed a smog check inspection.

Finally, the Bureau asserts that the governing statutes of the Program itself will lessen the impact of the newer cut-points. For vehicles that are not undergoing a change of ownership transaction, a smog check inspection is generally only required once every two years. In addition, the law exempts vehicles less than four years old from the biennial inspection requirement.

Impact on Housing Costs: None

#### EFFECT ON SMALL BUSINESS

The Bureau has determined that the proposed regulations would affect small businesses.

#### CONSIDERATION OF ALTERNATIVES

The Bureau must determine that no reasonable alternative which it considered or that has otherwise been identified and brought to its attention would



either be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposal described in this Notice.

Any interested person may present statements or arguments orally or in writing relevant to the above determinations at the above-mentioned hearing.

#### **INITIAL STATEMENT OF REASONS AND INFORMATION**

The Bureau has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

#### **TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations, and of the statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Bureau at 10240 Systems Parkway, Sacramento, CA 95827

#### **AVAILABILITY AND LOCATION OF THE RULEMAKING FILE AND THE FINAL STATEMENT OF REASONS**

All the information upon which the proposed regulations are based is contained in the rulemaking file that is available for public inspection by contacting the Bureau of Automotive Repair at the address mentioned above.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below or by accessing the website listed below.

#### **CONTACT PERSON**

Inquiries or comments concerning the proposed administrative action may be addressed to:

James Allen, Regulations Analyst  
Bureau of Automotive Repair  
10240 Systems Parkway  
Sacramento, CA 95827  
Telephone: (916) 255-4300  
Fax No.: (916) 255-1369  
E-mail: jim\_allen@dca.ca.gov

The backup contact person is:

Debbie Romani, Staff Services Manager  
Bureau of Automotive Repair  
10240 Systems Parkway  
Sacramento, CA 95827  
Telephone: (916) 255-4300  
Fax No.: (916) 255-1369  
E-mail: debbie\_romani@dca.ca.gov

Inquiries concerning the substance of the proposed regulations may be directed to Kurt Heppler who may be contacted at (916) 255-3222.

#### **WEBSITE ACCESS**

Materials regarding this proposal can also be found on the Bureau's website at [www.smogcheck.ca.gov](http://www.smogcheck.ca.gov).

### **TITLE 17. DEPARTMENT OF HEALTH SERVICES**

**ACTION:** Notice of Emergency Rulemaking

**SUBJECT:** Increase in Newborn Screening Fees  
(R-53-00E)

**PUBLIC PROCEEDINGS:** Notice is hereby given that the California Department of Health Services will conduct written public proceedings, during which time any interested person or such person's duly authorized representative may present statements, arguments or contentions relevant to the action described in this notice. Any written statements, arguments or contentions must be received by the Office of Regulations, Department of Health Services, 714 P Street, Room 1000, P.O. Box 942732, Sacramento, CA 94234-7320, by 5 p.m. on March 4, 2002, which is hereby designated as the close of the written comment period. It is requested but not required that written statements, arguments or contentions sent by mail or hand-delivered be submitted in triplicate.

Comments by FAX (916-657-1459) or email ([regulation@dhs.ca.gov](mailto:regulation@dhs.ca.gov)) must be received before 5:00 p.m. on the last day of the public comment period. All comments, including email or fax transmissions, should include the author's name and U.S. Postal Service mailing address in order for the Department to provide copies of any notices for proposed changes in the regulation text on which additional comments may be solicited.

**CONTACTS: In any of the following inquiries, please identify the action by using the Department regulation control number R-53-00E:**

1. In order to request a copy of this regulation package be sent to you, please call (916) 654-0381 or email [regulation@dhs.ca.gov](mailto:regulation@dhs.ca.gov).
2. Inquiries regarding the substance of the emergency regulations described in this notice may be directed to George Cunningham, M.D., Chief, of Genetic Disease Branch at (510) 540-2552.
3. All other inquiries concerning the action described in this notice may be directed to Barbara S. Gallaway RN, MSN of the Office of Regulations at (916) 657-3197, or to the designated backup contact person, Linda Tutor, at (916) 654-0381.

Persons wishing to use the California Relay Service may do so at no cost. The telephone numbers for accessing this service are: 1-800-735-2929, if you have a TDD; or 1-800-735-2922, if you do not have a TDD.



**INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW**

Health and Safety Code Section 125000, currently requires screening of all newborns for heritable metabolic disorders, sickle cell disorders and hereditary hemoglobinopathy. Existing law, Health and Safety Code Sections 124977, 124996, and 125000(b), provide authority to the Department of Health Services to establish fees to support the operation of the program. This obligation is implemented in Title 17, California Code of Regulation, Section 6508.

This emergency regulatory action will increase the fee for the newborn screening program services from \$42 to \$56. The participation fee was \$41, to which was added a \$1 charge for specimen record forms. The participation fee is increased to \$55, and the charge for forms remains at \$1.

This fee increase will enable the Department to maintain at its current authorized level a statewide newborn screening program that is consistent with medical standards, expanding medical knowledge, and the mandates of the Hereditary Disorders Act (Health and Safety Code Section 125000 et seq.). The fee adjustment is necessary to assure that the newborn screening program continues to be fully supported "from the fees collected for such testing" as required by Health and Safety Code Sections 124996 and 125000(b).

These regulatory changes do not conflict with or duplicate any federal or state programs, regulations or policies.

Specifically, the emergency action amends Title 17, California Code of Regulation Section 6508(b).

**AUTHORITY**

Sections 124977, 124996 and 125000(b)(h)(j), Health and Safety Code.

**REFERENCE**

Sections 124977 and 125000(b), Health and Safety Code.

**FISCAL IMPACT ESTIMATE**

- A. Fiscal Effect on Local Government: None
- B. Fiscal Effect on State Government: \$1,400,000. As a result of this regulation, it is estimated that the total impact to Medi-Cal will be approximately \$2,800,000 (200,000 births x \$14.00). Fifty percent of this amount would consist of General Funds in the amount of \$1,400,000.
- C. Fiscal Effect on Federal Funding of State Programs: \$1,400,000. It is estimated that the total impact to Medi-Cal will be approximately \$2,800,000 (200,000 births x \$14.00). Fifty percent of this amount would consist of Federal Funds in the amount of \$1,400,000.

- D. All cost impacts, known to the Department at the time the notice of emergency action was submitted to the Office of Administrative Law, that a representative private person or business would necessarily incur in reasonable compliance with the emergency action: There will be an increased cost of \$14 per newborn screened for private persons without health insurance, and to insurance companies providing health care coverage. It is estimated that the impact to private persons and businesses will be approximately \$4,447,000 (317,668 births x \$14).

- E. Other Nondiscretionary Cost or Savings Imposed on Local Agencies: None

**DETERMINATIONS**

The Department has determined that the regulations would not impose a mandate on local agencies or school districts, nor are there any costs for which reimbursement is required by Part 7 (commencing with Section 17500) of Division 4 of the Government Code.

The Department has made an initial determination that the regulations would not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states and 11346.5(a)(7). It is unlikely that a \$14 increase in newborn screening fees is sufficient to require any significant increase in premiums for health insurance charged to businesses.

The Department has determined that the regulations would not significantly affect the following:

- (1) The creation or elimination of jobs within the State of California.
- (2) The creation of new businesses or the elimination of existing businesses within the State of California.
- (3) The expansion of businesses currently doing business within the State of California.

The Department has determined that the regulations may affect small business.

The Department has made the initial determination that the regulations will have no impact on housing costs.

**AVAILABILITY OF STATEMENT OF REASONS  
AND TEXT OF REGULATIONS**

The Department has prepared and has available for public review an initial statement of reasons for the emergency regulations, all the information upon which the emergency regulations are based, and the text of the emergency regulations. A copy of the initial statement of reasons and a copy of the text of the emergency regulations are available upon request by writing to the Office of Regulations at the address

noted above, which address will also be the location of public records, including reports, documentation, and other material related to the emergency regulations (rulemaking file). Additionally, a copy of the final statement of reasons (when prepared) will be available upon request from the Office of Regulations at the address noted above. Materials regarding the emergency regulations that are available via the Internet may be accessed at <http://www.dhs.ca.gov/regulation/>.

**AVAILABILITY OF CHANGED OR  
MODIFIED TEXT**

The full text of any regulation which is changed or modified from the express terms of the emergency action will be made available by the Department's Office of Regulations at least 15 days prior to the date on which the Department adopts, amends, or repeals the resulting regulation.

**ADDITIONAL STATEMENTS AND COMMENTS**

In accordance with Government Code Section 11346.5(a)(13) the Department must determine that no reasonable alternative considered by the Department or that has otherwise been identified and brought to the attention of the Department would be more effective in carrying out the purpose for which the action was taken or would be as effective and less burdensome to affected private persons than the emergency action.

No hearing has been scheduled; however any interested person or his or her duly authorized representative may request, no later than 15 days prior to the close of the written comment period, a public hearing pursuant to Government Code Section 11346.8.

Sign language interpreting services at a public hearing or other reasonable accommodation will be provided upon request. Such request should be made no later than 21 days prior to the close of the written comment period, and addressed to the Office of Civil Rights within the Department of Health Services by phone (916-657-1411); FAX (916-657-0153); TDD (916-657-2861); or email ([civilrights-ra@dhs.ca.gov](mailto:civilrights-ra@dhs.ca.gov)).

**TITLE 28. DEPARTMENT OF  
MANAGED HEALTH CARE**

**Notice of Adoption of Emergency Regulations  
Section 1300.41.8, Electronic Filing**

**NOTICE IS HEREBY GIVEN**

The Director of the Department of Managed Health Care (Director), pursuant to the rulemaking authority granted by sections 1344 and 1346 of the Health and Safety Code, has adopted an emergency regulation contained in title 28, section 1300.41.8, Electronic Filing. The regulation became effective on Decem-

ber 27, 2001, and remains effective for at least 120 days pursuant to Government Code section 11346.1.

**PUBLIC HEARING**

No public hearing is scheduled. Any interested person or his or her duly authorized representative may request, in writing, a public hearing pursuant to section 11346.8(a) of the Government Code. The request for hearing must be received by the Department of Managed Health Care (Department) contact person designated below no later than 15 days prior to the close of the written comment period.

**WRITTEN COMMENT PERIOD/  
CONTACT PERSON**

Notice is also given that any interested person may present statements or arguments relevant to the proposed action by a written communication addressed to, and received by, the Department's contact person identified below on or before 5 p.m. on March 4, 2002. If this day is a Saturday, Sunday or state holiday, the comment period will close at 5 p.m. on the next business day.

Written communications may also be sent to Lyn Amor Macaraeg via electronic mail at [lmacaraeg@dmhc.ca.gov](mailto:lmacaraeg@dmhc.ca.gov) or via facsimile at (916) 324-6459. Comments should be received by no later than 5 p.m. on the last day of the comment period, March 4, 2002. All comments, including facsimile and e-mail transmissions, should include the author's name and mailing address, to enable the Department to provide future notices of proposed changes to the regulatory text.

**CONTACTS**

Inquiries concerning the action described in this notice and substantive questions may be directed to Curtis Leavitt, Assistant Chief Counsel, at (916) 322-1591. The designated back-up person is Ms. Lyn Amor Macaraeg, Regulations Coordinator, at (916) 322-9727.

**AUTHORITY**

Health and Safety Code section 1344.

**REFERENCE**

Health & Safety Code sections 1341.8, 1344, 1349, 1351, 1352, 1386, 1387; Civil Code sections 1633.1 through 1633.17 (the Uniform Electronic Transactions Act); and Government Code section 16.5, dealing with electronic filing.

**INFORMATIVE DIGEST/POLICY  
STATEMENT OVERVIEW**

The Director has determined that the adoption of title 28, section 1300.41.8, is necessary to clarify and explain the process of electronic filing of Knox-Keene

licensee documents. This regulation will provide the Department and the health care service plans with the necessary information and procedures to be used during the transition from paper to electronic filing.

The Department reengineered its information technology infrastructure pursuant to the Governor's Executive Order D-17-00 to create pro-consumer e-Government regulation and enforcement oversight of California's HMOs as well as speedy and accurate data retrieval, synthesis and delivery. Electronic filing of statutorily mandated documents triggers use of the Department's sophisticated, new consumer protection information technology. This regulation is pivotal to the welfare of California citizens and businesses offering convenient access to state government information and services.

California Health & Safety Code sections 1341.8, 1344, 1349, 1351, 1352, 1386, 1387; California Civil Code sections 1633.1 through 1633.17 (the Uniform Electronic Transactions Act); and California Government Code section 16.5, provide authority for and references to the Director's requirement that health care service plans file electronically all documents the Department requires of its Knox-Keene licensees.

California Health & Safety Code section 1341.8 gives the Director specific authority to make agreements he deems necessary and appropriate in exercising his powers.

California Health & Safety Code section 1344 specifically provides the Director with authority to adopt rules necessary to carry out the Knox-Keene Act.

California Health & Safety Code section 1349 requires all health care service plans in California to obtain a license from the Director, unless exempt.

California Health & Safety Code section 1351 expressly identifies the contents of each application for a health care service plan or a specialized plan license.

California Health & Safety Code section 1352 identifies additional required filings including, but not limited to, financial and statistical information.

California Health and Safety Code section 1386 identifies the grounds under which the Director may discipline a health care service plan, including, but not limited to, situations where the Director finds the plan is operating at variance with the organizational documents it filed pursuant to sections 1351 or 1352 or any information contained in its application for licensure.

California Health & Safety Code section 1387 provides for remedies against any person or plan that violates a rule adopted pursuant to the Knox-Keene Act.

California Civil Code sections 1633.1 through 1633.17, the Uniform Electronic Transactions Act, identifies how California law requires information to be sent or provided when in electronic format, the transactions governed, the influence on the enforceability of the electronically sent signatures and/or documents, definitions, the notarization of electronic signatures, and other statutory construction applicable to the proposed regulation.

California Code of Regulations, title 28, section 1300.41.8, provides that plans must file electronically all statutorily required documents. The plan must certify under penalty of perjury that all electronically filed documents are true and correct. The regulation addresses the standards for electronic filings, electronic signatures, notarizing of electronic signatures and provides a one time limited exemption from these requirements to a plan lacking the electronic capacity.<sup>1</sup> Definitions are provided at the outset of the regulation.

#### AVAILABILITY OF INITIAL STATEMENT OF REASONS, TEXT, AND RULEMAKING FILE

The Department has prepared and has available for public review the following documents:

1. An Initial Statement of Reasons;
2. Text of the regulation; and,
3. All information upon which this proposal is based (rulemaking file).

A copy of any or all of these items is available upon request by writing to the Department of Managed Health Care, ATTN: Ms. Lyn Amor Macaraeg, 980 9th Street, Suite 500, Sacramento, California 95814. This address will also be the location of public records, including reports, documentation, and other material related to this notice of proposed action. Additionally, a copy of the final statement of reasons (when prepared) will be available upon request by writing to the same address.

#### INTERNET AVAILABILITY

Materials regarding this notice of proposed action that are available via the Internet may be accessed at the following website:

<http://www.dmhca.ca.gov/library/regulations>.

#### AVAILABILITY OF CHANGED OR MODIFIED TEXT

The text of any modified regulation, unless the modification is non-substantive or solely grammatical in nature, will be made available to the public at least 15 days prior to the date the Department adopts the

<sup>1</sup> The purchase and simple use of a computer satisfies "electronic capacity." The new system runs on Windows 2000 desktop and server and Microsoft Outlook.

regulation. The changes will be clearly indicated. A request for a copy of any modified regulation should be addressed to the designated contact person. The Director will accept written comments on the modified regulation for 15 days after the date on which the changes are made available. The Director may thereafter adopt, amend or repeal the foregoing proposal substantially as set forth above without further notice.

#### ALTERNATIVES CONSIDERED

In accordance with Government Code section 11346.5(a)(13), the Department must determine that no reasonable alternatives considered by the agency or that has otherwise been identified and brought to its attention, would be more effective in carrying out the purpose for which the above action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.

The Department invites interested persons to present statements or arguments with respect to alternatives to the proposed regulation during the comment period.

#### FISCAL IMPACT

- Cost to any state agency: None.
- Cost to any local agency or school district for which Government Code section 17500–17630 requires reimbursement: None.
- Other non-discretionary cost or savings imposed upon local agencies: None.
- Costs or savings in federal funding to the state: None.
- Effect on housing costs: None.

#### DETERMINATIONS

The Director has determined that the proposed regulatory action:

- Has no economic impact on small businesses. Health care service plans are not a small business under Government Code section 11342.610.
- Does not imposed a mandate on local agencies or school districts, or a mandate which requires reimbursement pursuant to Government Code section 17500 *et seq.*
- Pursuant to Government Code 11346.5(a)(8), the Director has made an initial determination that this regulation will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.
- The Department is not aware of any cost imposed that a representative, private person, or business would necessarily incur in reasonable compliance with the proposed action.

- No known reasonable alternative to this proposed regulation exists;
- Per Government Code section 11346.5(a)(10), does not significantly affect:
  - The creation of jobs in California;
  - The elimination of jobs in California;
  - The creation of new businesses in California;
  - The elimination of existing business in California;
  - The expansion of existing businesses in California.

#### CONTACT PERSON

Comments or inquiries concerning this proposed regulation may be directed to CURTIS LEAVITT, Assistant Chief Counsel, at (916) 322-1591, or the designated back-up person, Ms. Lyn Amor Macaraeg, Regulations Coordinator, at (916) 322-9727, or by writing to either at: Department of Managed Health Care, Office of Legal Services, 980 Ninth Street, Suite 500, Sacramento, California 95814.

### GENERAL PUBLIC INTEREST

#### DEPARTMENT OF CONSERVATION

##### AB 3098 SMARA Eligible List January 4, 2002

*(This list supersedes any previous list and will expire April 5, 2002, upon publication of the next quarterly list)*

#### County of Alameda

<i>Mine I.D.</i>	<i>Mine Name (Operated By)</i>
91-01-0002	Radum (Hanson AGG Mid-Pacific, Inc.)
91-01-0003	Niles Canyon Quarry (SRDC, Inc.)
91-01-0006	La Vista Quarry (Dumbarton Quarry Associates)
91-01-0007	Sunol (RMC Pacific Materials)
91-01-0009	Eliot (RMC Pacific Materials)
91-01-0010	Pleasanton Pit & Mill (Vulcan Materials/CalMat Division)
91-01-0012	Mission Valley Rock/SMP-8 (Mission Valley Rock Company)
91-01-0013	Mission Valley Rock Company (Mission Valley Rock Company)
91-01-0016	Sheridan Quarry (Sheridan Rd. Partnership)



**City of Fremont**

*Mine I.D.      Mine Name (Operated By)*  
 91-01-0001 — Dumbarton Quarry (Dumbarton  
 Quarry Association)

**City of Oakland**

*Mine I.D.      Mine Name (Operated By)*  
 91-01-0008 — Leona Quarry (Gallagher & Burk,  
 Inc.)

**County of Alpine**

*Mine I.D.      Mine Name (Operated By)*  
 91-02-0001 — Merrill Barrow Pit (Stuart P. Merrill)  
 91-02-0002 — Gansberg Sand (Chris Gansberg, Jr.)  
 91-02-0003 — Diamond Valley Surface Boulder  
 (Crockett Enterprises, Inc.)  
 91-02-0004 — Diamond Valley Borrow Site (Crock-  
 ett Enterprises, Inc.)  
 91-02-0005 — Fredericksburg Gravel Pit (Teichert  
 Aggregates)

**County of Amador**

*Mine I.D.      Mine Name (Operated By)*  
 91-03-0001 — Surian Litchfield Pit (Larimer-Surian  
 Construction I)  
 91-03-0002 — North Carbondale Surface Mine  
 (Jasper Mining)  
 91-03-0003 — China Hill Claim (VRA Enterprises)  
 91-03-0004 — Owens-Illinois Sand Pit (Owens-  
 Illinois, Inc.)  
 91-03-0006 — Lincoln Mine (Sutter Gold Mining  
 Company)  
 91-03-0008 — Arroyo Seco Ranch (Ione Mine) (RHI  
 Refractories America)  
 91-03-0009 — Ione Red Clay Pit (Gladding  
 McBean)  
 91-03-0010 — Buena Vista Clay Pit (Calaveras  
 Cement Co.)  
 91-03-0011 — Ione Quarry (Hanson Aggregates  
 WRP, Inc.)  
 91-03-0013 — Boring Shale Pit (Kreth, Inc.)  
 91-03-0014 — Newman Clay Pit (H. C. Muddox)  
 91-03-0015 — Berry Mine (H. C. Muddox)  
 91-03-0016 — Brown Ranch Pit (H. C. Muddox)  
 91-03-0017 — Plymouth Sand & Gravel (Plymouth  
 Sand & Gravel)  
 91-03-0019 — Irish Hill Pit (Kreth, Inc.)  
 91-03-0020 — Jackson Valley Quarry (George  
 Reed, Inc.)  
 91-03-0021 — Lot 232 (Jackson Valley Energy Part-  
 ners)  
 91-03-0022 — Jackson Valley Mine (Jackson Valley  
 Energy Partners)

91-03-0024 — Upper Dry Creek Slate Mine (Indus-  
 trial Minerals Co.)  
 91-03-0027 — North Buckeye (Industrial Minerals  
 Co.)

**County of Butte**

*Mine I.D.      Mine Name (Operated By)*  
 91-04-0001 — Pentz Pit (Baldwin Contracting Co.,  
 Inc.)  
 91-04-0004 — Robinson Pit—Oroville Wildlife Area  
 (Robinson Construction Co., Inc.)  
 91-04-0005 — Robinson Pit (Robinson Construction  
 Co., Inc.)  
 91-04-0006 — Bangor Rock Quarry—Site A (Roy E.  
 Ladd, Inc.)  
 91-04-0007 — Vance Avenue Pit #1 & Pit #2  
 (Robinson Construction Co., Inc.)  
 91-04-0008 — Mathews ReadyMix—State Land  
 (Mathews ReadyMix, Inc.)  
 91-04-0011 — Table Mt. Quarry (Meridian Aggre-  
 gates)  
 91-04-0012 — Franklin Construction Company  
 (Franklin Construction Co.)  
 91-04-0014 — Lucky 7 Pit (Duke Sherwood Con-  
 tracting)  
 91-04-0018 — Almond Avenue Mine (Butte County  
 Public Works)  
 91-04-0019 — Dunstone Rock Quarry (Bauman  
 Landscape)  
 91-04-0020 — Blue Lead Mine (Blue Lead Mine,  
 Inc.)  
 91-04-0021 — Vance Avenue #2 (Robinson Con-  
 struction Co., Inc.)  
 91-04-0025 — Pine Creek (Anderson Brothers  
 Corp.)

**City of Oroville**

*Mine I.D.      Mine Name (Operated By)*  
 91-04-0022 — Ron Harmon Mine (Ron Harmon)

**County of Calaveras**

*Mine I.D.      Mine Name (Operated By)*  
 91-05-0001 — Snyder Clay Pit (John J. Snyder)  
 91-05-0002 — Royal Mountain King (Meridianbear  
 Track Company)  
 91-05-0005 — John Hertzog Sand & Gravel (John  
 Hertzog)  
 91-05-0006 — Robie Ranch Gravel (Robie Ranch  
 Gravel)  
 91-05-0008 — Valley Springs Clay Pit (Co Family  
 Limited Partnership)  
 91-05-0009 — #6 Shale Quarry (Calaveras Cement  
 Company)

- 91-05-0010 — Quarry #7 (Calaveras Cement Company)
- 91-05-0012 — Cataract Limestone Quarry (Calaveras Cement Company)
- 91-05-0013 — Wolin & Sons Aggregate (Garamendi Family Trust)
- 91-05-0014 — Hogan Quarry (Ford Construction Co., Inc.)
- 91-05-0016 — McCarty Pit (Foothill Materials)
- 91-05-0018 — Carson Hill Rock Products (Mark & Brad Sutton)

**County of Colusa**

*Mine I.D.      Mine Name (Operated By)*

- 91-06-0001 — Thompson Quarry Colusa County (Teichert Aggregates)
- 91-06-0009 — Robert C. Cousineau (Robert C. Cousineau)
- 91-06-0010 — O'Sullivan Ranch Pit (Clearlake Redi-Mix)
- 91-06-0012 — Brownstone Quarry (Banyan Transport Systems Inc.)
- 91-06-0013 — Stony Creek Gravel Mine (Colusa County Road Dept.)

**County of Contra Costa**

*Mine I.D.      Mine Name (Operated By)*

- 91-07-0001 — Byron Plant (Unimin Corporation)
- 91-07-0003 — Clayton Quarry (Hanson Aggregates Mid-Pacific)
- 91-07-0004 — Clayton (RMC Pacific Materials)
- 91-07-0005 — Port Costa Materials, Inc. (Pacific Custom Materials, Inc.)
- 91-07-0014 — Delta Topsoil, Inc./UP 95-2019 (Delta Topsoil, Inc.)
- 91-07-0015 — Delta Topsoil, Inc./UP 96-2082 (Delta Topsoil, Inc.)
- 91-07-0016 — Papini (L.H. Voss Materials Inc.)
- 91-07-0017 — Sand Hill Ranch (F.T.G. Construction Mtrls., Inc.)
- 91-07-0018 — Dwelley (Reeves Sand & Topsoil Co.)

**City of Richmond**

*Mine I.D.      Mine Name (Operated By)*

- 91-07-0006 — Richmond Quarry (Dutra Materials)
- 91-07-0007 — Point Richmond Quarry (Bauman Landscape)

**County of Del Norte**

*Mine I.D.      Mine Name (Operated By)*

- 91-08-0001 — Sultan Bar (North Coast Paving & Rock)
- 91-08-0002 — Huffman Bar (North Coast Paving & Rock)

- 91-08-0003 — Ranch Bar (Reservation Ranch)
- 91-08-0004 — Tedson Bar (Tidewater Contractors, Inc.)
- 91-08-0005 — Crockett Bar (Tidewater Contractors, Inc.)
- 91-08-0006 — Hole Pit (Tidewater Contractors, Inc.)
- 91-08-0007 — Upper Woodruff Bar (Westbrook-Weatherall)
- 91-08-0008 — Stary Quarry (Tidewater Contractors, Inc.)
- 91-08-0009 — Simpco Bar (Morgan Redi-Mix)
- 91-08-0010 — Lopez Rock Quarry (HW LLC)
- 91-08-0011 — Hunter Creek (Lowell K. Martin)
- 91-08-0012 — Maris Pit (Del Norte County Road Dept.)
- 91-08-0013 — Saxton Bar (Reservation Ranch)
- 91-08-0014 — Scheve Rock Pit (Scheve Family Trust)
- 91-08-0015 — Lower Sultan Bar (Morgan Redi-Mix)
- 91-08-0016 — Lower Rowdy Creek Pit (Del Norte County Road Dept.)

**County of El Dorado-SMGB**

*Mine I.D.      Mine Name (Operated By)*

- 91-09-0001 — Bear Creek Aggregates (Butte Equipment Rentals, Inc.)
- 91-09-0004 — Chile Bar Mine (Placerville Industries, Inc.)
- 91-09-0005 — Cool Cave Quarry (Spreckels Limestone & Agg Prod.)
- 91-09-0006 — Timm Mine (Yellow Jacket) (Timm Trusts)
- 91-09-0009 — Somerset Sand Mine (El Dorado County Planning)
- 91-09-0010 — Lawyer Pit (Archie's Trucking & Backhoe)
- 91-09-0011 — Cassill Placer Mine (Robert S. Perona Trust)
- 91-09-0012 — Snows Road Pit/(Snows Quarry Products)
- 91-09-0015 — Marin Quarry (Sierra Pacific Industries)

**County of Fresno**

*Mine I.D.      Mine Name (Operated By)*

- 91-10-0001 — Mont La Salle Materials Site (Fresno County Public Works)
- 91-10-0003 — Academy Quarry (Raymond Granite)
- 91-10-0004 — Al's Concrete (Al's Concrete)
- 91-10-0005 — Coalinga Pit #1 (Granite Construction Company)
- 91-10-0006 — Acme Rock (Acme Paving Co., Inc.)

91-10-0007 — Coalinga Pit #2 (Granite Construction Company)  
 91-10-0008 — Petry Sand Pit (Jesse's Equipment)  
 91-10-0010 — Sanger (CalMat of Central California)  
 91-10-0013 — Tulare Valley Rock/Zapato (Artesia Ready Mix Concrete)  
 91-10-0014 — Rockfield (RMC Pacific Materials)  
 91-10-0015 — Rockfield-Rouillard (RMC Pacific Materials)  
 91-10-0016 — Maiorino Farms (Maiorino Farms)  
 91-10-0017 — Central Valley Pit and Mill (Central Valley Ready Mix, Inc.)  
 91-10-0018 — Tivy Valley Granite (Charles Raper)  
 91-10-0019 — Gale Sand Products (Harry Wilmoth)  
 91-10-0021 — Triple L/Panoche (Triple L. Land Co.)  
 91-10-0024 — CalMat-Fresno (CalMat of Central California)  
 91-10-0025 — Bruckner Gravel Pit (Orange Ave. Disposal Service)  
 91-10-0026 — Bass Avenue Material Site (Fresno County Public Works)

**County of Glenn**

*Mine I.D.      Mine Name (Operated By)*

91-11-0001 — Watts Pit (Glenn County Public Works Dept.)  
 91-11-0002 — Kaiser Pit (Glenn County Public Works Dept.)  
 91-11-0003 — Stoney Creek (Baldwin Contracting Co., Inc.)  
 91-11-0004 — Orland Sand & Gravel Corp. (Orland Sand & Gravel Corp.)  
 91-11-0005 — Spooner Pit (Valley Rock Products, Inc.)  
 91-11-0006 — Stoney Creek (Valley Rock Products, Inc.)  
 91-11-0007 — Orland Pit (Baldwin Contracting Co.)  
 91-11-0008 — Whitney Pit (Whitney Construction)  
 91-11-0010 — Jasper Pit (Jaxon Enterprises)  
 91-11-0012 — County Road J and I-5 (Valley Rock Products, Inc.)  
 91-11-0013 — Watts Pit (Valley Rock Products, Inc.)  
 91-11-0014 — L&W Pit (Valley Rock Products, Inc.)  
 91-11-0015 — Orland/Hambright (Baldwin Contracting Co.)

**County of Humboldt**

*Mine I.D.      Mine Name (Operated By)*

91-12-0001 — Halvorsen Quarry (Halvorsen Properties)

91-12-0002 — Sandy Prairie (Mercer, Fraser Company)  
 91-12-0003 — A-21 (Mercer, Fraser Company)  
 91-12-0004 — Trinidad Quarry (Mercer, Fraser Company)  
 91-12-0005 — Essex (Mercer, Fraser Company)  
 91-12-0006 — Cooks Valley (Mercer, Fraser Company)  
 91-12-0007 — Willow Creek (Mercer, Fraser Company)  
 91-12-0008 — Jacoby Creek Quarry (Barnum Timber Company)  
 91-12-0010 — Christie Bar (Eureka ReadyMix Co., Inc.)  
 91-12-0011 — Monschke Pit (Kenneth R. Wallan)  
 91-12-0012 — Mad River Sand & Gravel (Mad River Sand & Gravel)  
 91-12-0013 — Johnson Bar (Arcata ReadMix)  
 91-12-0014 — Randall Sand & Gravel (Randall Sand & Gravel)  
 91-12-0016 — Tosten Quarry (Jim E. Adams Construction)  
 91-12-0018 — Thomas Bess Mine (Thomas Bess)  
 91-12-0021 — Fernbridge (Humboldt County Public Works)  
 91-12-0022 — South Fork Eel (Pacific Lumber) (Humboldt County Public Works)  
 91-12-0023 — Tooby Bar (Humboldt County Public Works)  
 91-12-0024 — Drewry Pit (Humboldt County Public Works)  
 91-12-0025 — Monument Pit (Humboldt County Public Works)  
 91-12-0026 — Brannon Mountain Pit (Humboldt County Public Works)  
 91-12-0027 — Dyerville Pit (Humboldt County Public Works)  
 91-12-0028 — Hansen Pit (Humboldt County Public Works)  
 91-12-0029 — Alton Pit (Eureka ReadyMix Company)  
 91-12-0030 — Graham Bar (Redwood Empire Aggregates)  
 91-12-0031 — Johnson Bar (Redwood Empire Aggregates)  
 91-12-0032 — Blue Lake Bar (Redwood Empire Aggregates)  
 91-12-0033 — Emmerson Bar (Redwood Empire Aggregates)  
 91-12-0034 — Charlie Hansen-Hansen Pit (Hansen Pit Mill)

91-12-0037 — Ammon Quarry (McIntosh Construction Company)  
 91-12-0039 — Hoopa Gravel Bar (Hoopa Valley Ready Mix)  
 91-12-0040 — McKnight Bar (Mercer, Fraser Company)  
 91-12-0041 — Hindley Pit (Raymond M. Etter)  
 91-12-0042 — Silva Estates Gravel Bar (Arcata Redimix)  
 91-12-0043 — Canevari Timber Company (Mercer Fraser Co., Inc.)  
 91-12-0044 — LP A-370/M200 (Mercer, Fraser Company)  
 91-12-0045 — Redwood Creek (Joseph Hufford Sand & Gravel)  
 91-12-0046 — Grooms Rock Quarry (Grooms Rock Quarry)  
 91-12-0047 — Miller Gravel Bar (R. Brown Construction Company)  
 91-12-0048 — Gravel Bar (Wallan & Johnson)  
 91-12-0049 — Van Duzen Ranch Gravel Bar (J.R. Noble)  
 91-12-0050 — Branstetter Gravel Bar-Bear (Humboldt County Public Works)  
 91-12-0051 — Singley Bar (Arcata ReadMix)  
 91-12-0052 — McAdams RockPit (Allen D. Naill)  
 91-12-0054 — Libscomb Hill Quarry (Tonkin Construction Company)  
 91-12-0055 — Moore Rock Quarry (Humboldt County Public Works)  
 91-12-0056 — Bald Hills Road Pit 2 (Humboldt County Public Works)  
 91-12-0058 — Delaney Gravel Bar (Humboldt County Public Works)  
 91-12-0059 — Cook Bar-No. Fork Mattole River (Humboldt County Public Works)  
 91-12-0060 — Charles Bar-Larabee Creek (Humboldt County Public Works)  
 91-12-0061 — Pacific Lumber Bar-Van Duzen (Humboldt County Public Works)  
 91-12-0063 — Drake Materials (Drake Materials, Inc.)  
 91-12-0065 — Russ Quarry No. 1 (Humboldt County Public Works)  
 91-12-0066 — Ford Ranch Rock Quarry (Kernen Construction)  
 91-12-0067 — Palco Eel River Gravel Bars (Pacific Lumber Co.)  
 91-12-0068 — Fort Seward Ranch (Satterlee Gravel Bar)

91-12-0069 — Leland Rock Gravel Bar (Leland Rock)  
 91-12-0070 — Cottrell Ranch Rock Quarries (Three Rivers Logging Co.)  
 91-12-0071 — Pacific Lumber Quarry 1 (The Pacific Lumber Co.)  
 91-12-0072 — Pacific Lumber Quarry 2 (The Pacific Lumber Co.)  
 91-12-0074 — Palco Quarry 3 (The Pacific Lumber Company)  
 91-12-0076 — Stafford Left Quarry (The Pacific Lumber Company)

**County of Imperial**

<i>Mine I.D.</i>	<i>Mine Name (Operated By)</i>
91-13-0001	Picacho Mine (Chemgold, Inc.)
91-13-0003	Frink Pit (Ryerson)
91-13-0004	Shoveler Annex (U.S. Gypsum Company)
91-13-0005	Plaster City Quarry (U.S. Gypsum Company)
91-13-0006	Ocotillo (Cal-Grade, Inc.)
91-13-0009	Shell Canyon (Val-Rock, Inc.)
91-13-0010	Wonderstone Rock Pit (Granite Construction Company)
91-13-0011	Niland Pit (Frink) (Granite Construction Company)
91-13-0013	Flowing Wells (Granite Construction Company)
91-13-0015	Norrish Pit (Granite Construction Company)
91-13-0017	Merrill Ocotillo-Shell Canyon (Granite Construction Company)
91-13-0018	Ocotillo (Schaefer) (Granite Construction Company)
91-13-0019	Mesquite (Newmont Gold Company)
91-13-0020	Vista Cherokee Rainbow (VCR) (Newmont Mining Corporation)
91-13-0024	Coachella Canal Clay Pit (Imperial County Public Works)
91-13-0025	Glamis I (Imperial County Public Works)
91-13-0026	Niland I (Imperial County Public Works)
91-13-0031	Yuha (Imperial County Public Works)
91-13-0032	Navy Pit Hogue (Imperial County Public Works)
91-13-0033	Coyote II (Imperial County Public Works)
91-13-0034	Painted Gorge (Imperial County Public Works)



91-13-0038 — Standard (Imperial County Public Works)  
 91-13-0039 — Picacho Wash Pit (Imperial County Public Works)  
 91-13-0040 — Andre Road Clay Pit (Imperial County Public Works)  
 91-13-0042 — Niland II (Imperial County Public Works)  
 91-13-0043 — Frink (Imperial County Public Works)  
 91-13-0046 — Coyote (CalTrans)  
 91-13-0049 — New River Fines (Becker Mealey LLC)  
 91-13-0052 — Ocotillo (CalTrans)  
 91-13-0057 — Wright Pit (Aggregate Products, Inc.)  
 91-13-0059 — City of El Centro M.S. (City of El Centro)  
 91-13-0061 — Jackson Gulch (Orlosky, Inc.)  
 91-13-0062 — American Girl Canyon (American Girl Mining Joint Venture)  
 91-13-0063 — Drop 3 Clay Pit (Imperial Irrigation District)  
 91-13-0064 — Mount Signal Gravel Pit (Imperial Irrigation District)  
 91-13-0066 — Padre Madre (American Girl Mining Joint Venture)  
 91-13-0069 — Robert's Pit (Ryerson)  
 91-13-0071 — Frink Springs Gravel Pit (Cal-Grade, Inc.)  
 91-13-0072 — Gibson & Schaefer (Gibson & Schaefer, Inc.)  
 91-13-0074 — Flowing Wells South Pit (Granite Construction Co.)  
 91-13-0075 — Dixieland Ranch Mine (Becker Mealey LLC)  
 91-13-0076 — Hensler Pit (Granite Construction Company)  
 91-13-0079 — Torres-Martinez Pit (Imperial County)  
 91-13-0080 — Elms Glamis Pit (Elms Equipment Rental, Inc.)  
 91-13-0086 — Holtville Clay Pit (Imperial County)  
 91-13-0090 — Davis Dirt (Imperial County Public Works)  
 91-13-0091 — Shank Road East Highline Pit (All American Aggregates)  
 91-13-0093 — Wright Pit II (Aggregate Products, Inc.)  
 91-13-0095 — Ammex Pit (Granite Construction Co.)

91-13-0098 — Jimenez Pit (Granite Construction Co.)  
 91-13-0102 — East Mesa Pit (Becker Mealey LLC)  
 91-13-0103 — Taecker Pit (Dennison Dill Trucking)  
 91-13-0106 — Frink Mineral Pit (Cal-Grade, Inc.)  
 91-13-0107 — Wilson's Corner Site (Aggregate Products, Inc.)

**County of Inyo**

<i>Mine I.D.</i>	<i>Mine Name (Operated By)</i>
91-14-0001	Nikolaus & Nikolaus (Nikolaus & Nikolaus, Inc.)
91-14-0002	Red Hill Quarry (Twin Mountain Rock Company)
91-14-0003	Pumice (Pacific Custom Materials, Inc.)
91-14-0004	Hiatt/Adams Pit (Hiatt Ready Mix, Inc.)
91-14-0007	Pine Creek (Pine Creek Development LLC)
91-14-0008	Sidehill Mine (Vanderbilt Minerals Corp.)
91-14-0010	Gerstely Mine (U.S. Borax, Inc.)
91-14-0012	Owens Lake Mine (U.S. Borax Inc.)
91-14-0013	California Hectorite Pits (Southern Clay Products)
91-14-0014	American Perlite Company (American Perlite Company)
91-14-0017	Inyo Pit & Mill (F.W. Aggregates, Inc.)
91-14-0018	Ash Meadows Mine (Ash Meadows Zeolite)
91-14-0021	Billie Mine (American Borate Company)
91-14-0022	Strand Gravel Pit (Valley Sand & Gravel)
91-14-0026	Materials Site #110 Stateline (CalTrans)
91-14-0027	Materials Site #116 Brockman P (CalTrans)
91-14-0031	Materials Site #116-11 Sunland (CalTrans)
91-14-0033	Materials Site #141 Round Vall (CalTrans)
91-14-0036	Materials Site #177 Coso (CalTrans)
91-14-0038	Materials Site #182 Shoshone (CalTrans)
91-14-0046	Materials Site #286A (CalTrans)
91-14-0047	Materials Site #288 (CalTrans)
91-14-0050	Materials Site #291 Cottonwood (CalTrans)

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| 91-14-0051 — Materials Site #300 Keeler (CalTrans)                       | 91-14-0097 — So. Haiwee-E/O Power Patrol R (City of Los Angeles—DWP)       |
| 91-14-0052 — Materials Site #301 Cartago (CalTrans)                      | 91-14-0098 — So. Haiwee-E/O Bypass Ch. Pit (City of Los Angeles—DWP)       |
| 91-14-0055 — Panamint Valley Limestone Quarry (A/C Power—Ace Operations) | 91-14-0099 — S/O Keeler @ Old NSP Site Pit (City of Los Angeles—DWP)       |
| 91-14-0057 — Pangborn Pit (City of Los Angeles)                          | 91-14-0100 — Blackrock Pit at County Rd. Pi (City of Los Angeles—DWP)      |
| 91-14-0064 — Ratcliff/World Beater (Compass Minerals, Ltd.)              | 91-14-0102 — Pierce Cinder Project (Tinemaha Cinder, Inc.)                 |
| 91-14-0066 — Diaz (Inyo County Road Dept.)                               | 91-14-0103 — Ibex-Bentonite (Protech Minerals, Inc.)                       |
| 91-14-0067 — Lone Pine Mixing Table (Inyo County Road Dept.)             | 91-14-0106 — City of Bishop D.G. Pit (City of Bishop)                      |
| 91-14-0068 — Independence Southeast (Inyo County Road Dept.)             | 91-14-0108 — Kim-Crete Pumice Mine 1 & 2 (California Lightweight Pumice)   |
| 91-14-0069 — Sunland Mixing Table (Inyo County Road Dept.)               | 91-14-0109 — Sugarloaf Road Pit (City of Los Angeles—DWP)                  |
| 91-14-0070 — Big Pine (Inyo County Road Dept.)                           | 91-14-0110 — Fish Springs #1 Pit (City of Los Angeles—DWP)                 |
| 91-14-0071 — Tecopa Hot Springs (Inyo County Road Dept.)                 | 91-14-0111 — Taboose Creek Campground (City of Los Angeles—DWP)            |
| 91-14-0077 — Homewood Canyon (Inyo County Road Dept.)                    | 91-14-0112 — Pit at O.H. 55 (City of Los Angeles—DWP)                      |
| 91-14-0078 — Midway Pit (Inyo County Road Dept.)                         | 91-14-0113 — N. Haiwee E/O Dam (City of Los Angeles—DWP)                   |
| 91-14-0079 — Stockwell Mine (Inyo County Road Dept.)                     | 91-14-0119 — KMI Zeolite, Inc. (KMI Zeolite, Inc.)                         |
| 91-14-0080 — K&D Fill Dirt (K&D Fill Dirt)                               | 91-14-0120 — CR Briggs (CR Briggs Corp.)                                   |
| 91-14-0081 — Papoose (Inyo County Road Dept.)                            | 91-14-0121 — Shoshone Ash (Shoshone Development)                           |
| 91-14-0082 — Tecopa Mixing Table (Inyo County Road Dept.)                | 91-14-0122 — Black Springs Mine (John W. Nicoll)                           |
| 91-14-0083 — Pit #2 East of CDF (City of Los Angeles—DWP)                | 91-14-0123 — Naxos Resources (U.S.A.) Ltd. (Naxos Resources (U.S.A.) Ltd.) |
| 91-14-0084 — Laws Pit (City of Los Angeles—DWP)                          | 91-14-0125 — Joshua Flats Borrow Site (Inyo County Road Dept.)             |
| 91-14-0085 — Bishop-Sundland Pit (City of Los Angeles—DWP)               | 91-14-0126 — Kim-Crete Pumice Mine 3 & 4 (California Lightweight Pumice)   |
| 91-14-0086 — Division Creek #1 Pit (City of Los Angeles—DWP)             | 91-14-0127 — Briggs North & Gold Tooth Expl. (CR Briggs Corp.)             |
| 91-14-0087 — Division Creek #2 Pit (City of Los Angeles—DWP)             | 91-14-0128 — Coyote Valley Road Aggregate (Hiatt Ready Mix, Inc.)          |
| 91-14-0088 — Mazourka Cyn. Rd. (City of Los Angeles—DWP)                 |  |
| 91-14-0089 — Alabama Gates #1 (City of Los Angeles—DWP)                  | <b>County of Kern</b>  |
| 91-14-0090 — Alabama Gates #2 (City of Los Angeles—DWP)                  | <i>Mine I.D.      Mine Name (Operated By)</i>                              |
| 91-14-0092 — Tuttle Ck. #2 (City of Los Angeles—DWP)                     | 91-15-0001 — Kern County Public Works Sand (Kern County Road Dept.)        |
| 91-14-0094 — Indian Wells Pit (City of Los Angeles—DWP)                  | 91-15-0003 — Hy Desert Rustic Stone (Sanford Stone Company)                |
| 91-14-0095 — Cottonwood Ck. Pit (City of Los Angeles—DWP)                | 91-15-0005 — Shumake Operation (Cactus Gold Mines Co.)                     |
|  | 91-15-0006 — Middle Buttes Operation (Cactus Gold Mines Co.)               |

# **CALIFORNIA REGULATORY NOTICE REGISTER 2002, VOLUME NO. 3-Z**

91-15-0008 — 109 Limestone Quarry/Lebec (National Cement Company)	91-15-0041 — CalMat/San Emigdio (Vulcan Materials/CalMat Division)
91-15-0009 — Microwave Quarry/Lebec Plant (National Cement Company)	91-15-0043 — Caliente Sand (Caliente Sand & Mineral Company)
91-15-0010 — Quarry Site B—Lebec Plant (National Cement Company)	91-15-0044 — Edison Sand Co., Inc. (Edison Sand Co., Inc.)
91-15-0011 — Old Dutch Cleanser Mine (Matcon Corporation)	91-15-0045 — Tejon Ranch #2 (Tejon Ranch Company)
91-15-0012 — Gilliam & Sons Mining Operation (Gilliam & Sons, Inc.)	91-15-0046 — Shumaker Mine (Willow Creek)
91-15-0013 — Sand Canyon Quarry (Cal-Ci-Co Rock Co., Inc.)	91-15-0047 — Inyokern Pit (Sully-Miller Contracting Co.)
91-15-0014 — Calcite (California Portland Cement Co.)	91-15-0048 — Garlock Pit (Sully-Miller Contracting Co.)
91-15-0015 — Bowman Mine (Asphalt Construction Co., Inc.)	91-15-0050 — Twisselman Clay Pit (Madonna Construction Co.)
91-15-0016 — Mojave Mine (Asphalt Construction Co., Inc.)	91-15-0051 — Got Rocks (Got Rocks)
91-15-0017 — Lost Hills Mine (H.M. Holloway, Inc.)	91-15-0059 — Materials Site #246 (CalTrans)
91-15-0018 — Standard Hill Mine (Billiton Minerals USA)	91-15-0060 — Materials Site #252 (CalTrans)
91-15-0021 — A&M Products—Quarry (A&M Products, Inc.)	91-15-0061 — McKittrick Diatomite #3 (Texaco Explor. & Prod. Inc.)
91-15-0022 — Boron Open Pit (U.S. Borax, Inc.)	91-15-0062 — Hansen Dg. (Homer A. Hansen, Jr.)
91-15-0024 — Arvin Pit (Granite Construction Company)	91-15-0065 — Mojave Aggregate Pit (Mojave Aggregate Pit)
91-15-0025 — James Road Pit & Mill (Hanson Aggregates West, Inc.)	91-15-0068 — Griffith Company (Griffith Company)
91-15-0026 — Cactus Queen (California Portland Cement Co.)	91-15-0072 — Potlatch Mine (Asphalt Construction Company)
91-15-0027 — Canebrake Pit (Ladd Ready Mixed Concrete)	91-15-0075 — Baltic Project Mine (Rand Mining Company)
91-15-0028 — James Road (Granite Construction Company)	91-15-0076 — Randsburg Placer Mine (Stockdale Investment)
91-15-0029 — Summit Lime (Summit Lime Company)	91-15-0077 — Blake Wholesale Stone Co. (Blake's Wholesale Stone)
91-15-0030 — Garlock Mine (Asphalt Construction Company)	91-15-0079 — Pauley D.G. Mine (Big Iron Leasing, Inc.)
91-15-0031 — Bob Morton Construction, Inc. (Bob Morton Construction, Inc.)	91-15-0081 — Frazier Park Sand & Gravel (Frazier Park Sand & Gravel)
91-15-0032 — Mojave Quarry (California Portland Cement Co.)	91-15-0085 — Boron Properties (Consolidated Mining Minerals M)
91-15-0033 — Yellow Aster Zone II (Glamis Rand Mining Co.)	91-15-0086 — Rand Project (Glamis Rand Mining Company)
91-15-0036 — Cooper Pit #1 (Stanley Cooper)	91-15-0087 — P.V. Clay (Protech Minerals, Inc.)
91-15-0037 — Wheeler Ridge (Vulcan Materials/CalMat Division)	91-15-0089 — Tim A & Cleta D (Consolidated Mineral Resources)
91-15-0038 — Cooper Pit #2 (Stanley Cooper)	91-15-0091 — 104 Silica Quarry/Lebec (National Cement Company)
91-15-0039 — Golden Cat Corporation (Golden Cat Corporation)	91-15-0093 — Cuddy Mine (Channel & Basin Reclamation)
	91-15-0095 — Sand Canyon Pit (Chelsea Investment Co.)

91-15-0097 — Hy Desert Rustic Stone West (Sanford Stone Co.)

91-15-0099 — Arvin Borrow Pit (Kern County Waste Mgmt. Dept.)

**City of Bakersfield**

*Mine I.D.      Mine Name (Operated By)*

91-15-0002 — Webster Sand, Inc. (Webster Sand, Inc.)

**City of Taft**

*Mine I.D.      Mine Name (Operated By)*

91-15-0074 — Taft Plant (General Production Service, In)

**County of Kings**

*Mine I.D.      Mine Name (Operated By)*

91-16-0003 — Oliveira Mine (William Oliveira)

91-16-0005 — Pires Mine (Stoney Sand & Gravel LLC)

**County of Lake**

*Mine I.D.      Mine Name (Operated By)*

91-17-0001 — Davis Pit (Parnum Paving)

91-17-0003 — S-Bar-S Quarry (S-Bar-S Quarry)

91-17-0006 — Provedello Ponds (Clearlake Lava)

91-17-0007 — Putah Creek (DNA River Rock)

91-17-0011 — Indian Creek Quarry (Parnum Paving, Inc.)

91-17-0012 — Clearlake Lava Quarry (Clearlake Lava Inc.)

91-17-0013 — Point Lakeview (Clearlake Lava Inc.)

91-17-0015 — Aggrellite Rock (Aggrellite Rock)

91-17-0026 — Middletown Quarry (Dutra Materials)

91-17-0032 — Middletown Quarry (Dutra Materials)

91-17-0033 — Blue Rock Quarry (Blue Rock Quarry)

91-17-0034 — Middletown Quarry (Dutra Materials)

91-17-0035 — Keithly Ranch Quarry (Parnum Paving, Inc.)

91-17-0037 — Middle Creek Terrace Pond Proj. (Clearlake Redi-Mix, Inc.)

**County of Lassen**

*Mine I.D.      Mine Name (Operated By)*

91-18-0001 — Ray Herrington (Standish Pit) (County of Lassen)

91-18-0002 — Honey Lake Aggregates (Honey Lake Asphalt)

91-18-0003 — Doyle Plant (Baldwin Contracting Co., Inc.)

91-18-0005 — Kramer Quarry (Essayons-Hardrock, JV)

91-18-0006 — Mallery Pit (Miller's Custom Work, Inc.)

91-18-0007 — Viewland Pit (Miller's Custom Work, Inc.)

91-18-0008 — Ward Lake Pit (Miller's Custom Work, Inc.)

91-18-0009 — Gold Run Pit (Pee Wee Enterprises)

91-18-0010 — Standish Pit (Sezzi Concrete & Material, Inc.)

91-18-0011 — Thousand Springs Pit (County of Lassen)

91-18-0012 — Hayden Hill Mine (Lassen Gold Mining, Inc.)

91-18-0014 — Round Mountain (R.L.G. Round Mtn Rock Almanor)

91-18-0016 — Grasshopper Rd. (CalTrans)

91-18-0018 — Cowboy Joe (CalTrans)

91-18-0021 — B.L.M. Section 4 (Miller's Custom Work, Inc.)

91-18-0022 — Susanville Rock Pit (Ford Construction Co., Inc.)

91-18-0023 — Cummings Farms Ravendale Pit (Cummings Farms)

91-18-0024 — R. W. Harwell (Frank Turner)

91-18-0026 — Hayden Hill Mine (Lassen Gold Mining, Inc.)

91-18-0027 — Madeline Pit (CalTrans)

91-18-0028 — Garnier/Gravier Pit (County of Lassen)

91-18-0030 — Standish Pit (County of Lassen)

91-18-0031 — Eagle Lake Pit (County of Lassen)

91-18-0032 — Ratliff Quarry (J.F. Shea Co., Inc.)

91-18-0033 — Round Valley Butte Pit (Mt. Lassen Cinder Co.)

91-18-0034 — Azevedo Ranch (Stone Co Construction)

91-18-0035 — Parks Pit (J.F. Shea Co., Inc.)

91-18-0036 — Cinder Cone Pit (Casiano Land & Livestock Co.)

91-18-0037 — Long Valley Pozzolan Plant (Earthco)

91-18-0041 — Surian Litchfield Pit (Larimer-Surian Construction)

91-18-0043 — Westside Pit (County of Lassen)

91-18-0044 — Lassen 7-D Ranch Pit (Lassen 7-D Ranch, Inc.)

91-18-0045 — Bridge Creek Cinder Pit (Ladd Associates, Inc.)

91-18-0046 — Adin Pit (Bill Joiner's Rock Products)

**County of Los Angeles**

*Mine I.D.      Mine Name (Operated By)*

91-19-0010 — Pebbly Beach Quarry (Connolly-Pacific Company)



91-19-0011 — Empire Quarry (Connolly-Pacific Company)  
 91-19-0021 — Big Rock Creek (CalMat Company)  
 91-19-0030 — Lang Station (Curtis Sand & Gravel)  
 91-19-0036 — Lang Station-Sweetwater (CalMat Company)  
 91-19-0037 — Del Sur Ridge Quarry (Bouquet Canyon Stone Co., Inc.)  
 91-19-0038 — Soledad Canyon Mine (Triangle Rock Products)  
 91-19-0041 — Castaic Clay Manufacturing Company (Castaic Clay Mfg. Co.)  
 91-19-0043 — Peck Road Gravel Pit (S.L.S. & N., Inc.)

**City of Azusa**

*Mine I.D.      Mine Name (Operated By)*  
 91-19-0007 — Azusa Quarry (Cemex Inc.)  
 91-19-0018 — Reliance-Azusa (CalMat Company)  
 91-19-0035 — Fish Canyon Quarry (Azusa Rock Inc.)

**City of Irwindale**

*Mine I.D.      Mine Name (Operated By)*  
 91-19-0006 — Azusa Pit/Irwindale (Azusa Land Reclamation Co.)  
 91-19-0013 — Pit #1 (United Rock Products Corporation)  
 91-19-0014 — Pit #2 (United Rock Products Corporation)  
 91-19-0015 — Pit #3 (United Rock Products Corporation)  
 91-19-0016 — Reliance-Irwindale (CalMat Company)  
 91-19-0023 — Durbin (CalMat Company)  
 91-19-0025 — Livingston-Graham, Irwindale (Hanson Aggregates West, Inc.)

**City of Los Angeles**

*Mine I.D.      Mine Name (Operated By)*  
 91-19-0017 — Sheldon (CalMat Company)  
 91-19-0019 — Boulevard (CalMat Company)  
 91-19-0022 — CalMat—Sun Valley (CalMat Company)

**City of Palmdale**

*Mine I.D.      Mine Name (Operated By)*  
 91-19-0001 — Holiday-Palmdale (Holiday Rock Co., Inc.)  
 91-19-0002 — Antelope Valley Aggregate, Inc. (Littlerock Aggregate Co.)  
 91-19-0008 — Littlerock (Granite Construction Company)  
 91-19-0020 — Palmdale (CalMat Company)

91-19-0026 — Hi-Grade Materials Co.-Little (Hi-Grade Materials Co.)  
 91-19-0031 — Hi-Grade Materials Company Pal (Hi-Grade Materials Co.)  
 91-19-0033 — Palmdale (Service Rock Products Co.)  
 91-19-0040 — Lane Quarry (George M. Lane)

**County of Madera**

*Mine I.D.      Mine Name (Operated By)*  
 91-20-0001 — Sierra White Quarry (Raymond Granite Co.)  
 91-20-0003 — Moen Pit (Calaveras Materials, Inc.)  
 91-20-0004 — Cobb Pit (San Joaquin Sand & Gravel)  
 91-20-0006 — Lee da Silva (Lee's Concrete Materials Co.)  
 91-20-0007 — Taylor's Pit (California Industrial Minerals)  
 91-20-0010 — Triangle Rock Products (Triangle Rock Products)  
 91-20-0011 — Section 26 DG Pit (Outback Materials)  
 91-20-0012 — Weldon Pit (Richard J. Weldon, Sr.)  
 91-20-0013 — Bruce Persson (Bruce Persson)

**County of Marin**

*Mine I.D.      Mine Name (Operated By)*  
 91-21-0001 — Redwood/Silveira Quarry (Redwood Landfill, Inc.)  
 91-21-0002 — Lawson's Landing (Lawson's Landing)  
 91-21-0004 — Martinoni Quarry (Martinoni Quarry)  
 91-21-0005 — Lafranchi Quarry (Lunny Grading & Paving, Inc.)  
 91-21-0008 — San Rafael Rock Quarry (Dutra Materials)  
 91-21-0009 — Bowman Canyon Quarry, Inc. (West Coast Aggregates)

**County of Mariposa**

*Mine I.D.      Mine Name (Operated By)*  
 91-22-0001 — Guadalupe & Aqua Fria Fid. (Frank & Mark Long)  
 91-22-0003 — Oak Grove Pit (Bunning)  
 91-22-0004 — Colorado Quartz Mine (Colorado Quartz Gold Corporation)  
 91-22-0007 — Yosemite Slate Quarry (Mariposa Flagstone/Yosemite SL)  
 91-22-0008 — Mt. Gaines (Mt. Gaines Consolidated)  
 91-22-0009 — Fremont Long Consolidated (Mark Long)

91-22-0010 — Iron Springs Consolidated (Mark Long)

**County of Mendocino**

*Mine I.D.      Mine Name (Operated By)*

91-23-0001 — Little Eagle Rock Quarry (Mendocino Redwood Co., LLC)  
 91-23-0002 — Camp 5 Pit (Watkins Sand & Gravel)  
 91-23-0003 — Ford Gravel Company (Parnum Paving, Inc.)  
 91-23-0010 — Red Rock Quarry (Parnum Paving, Inc.)  
 91-23-0012 — Laughlin Ridge Quarry (Parnum Paving, Inc.)  
 91-23-0013 — Stewarts Point Bar (Parnum Paving, Inc.)  
 91-23-0015 — Harris Quarry (Northern Aggregates, Inc.)  
 91-23-0016 — Mill Creek Bar/Adobe Lane Pit (Polsley Enterprise)  
 91-23-0017 — Shamrock Quarry (Parnum Paving, Inc.)  
 91-23-0020 — Ten Mile 2nd Crossing (Baxman Gravel Company, Inc.)  
 91-23-0021 — Pieta Quarry (Northern Aggregates, Inc.)  
 91-23-0026 — Tunzi, Inc. (Tunzi, Inc.)  
 91-23-0027 — Rowland Gravel Bar (Hoopa Valley Ready Mix)  
 91-23-0028 — Sherwood Road (Baxman Gravel Co., Inc.)  
 91-23-0029 — Presley & Smith Gravel Co. (Presley & Smith Gravel Co.)  
 91-23-0031 — Redwood Valley Gravel Product (Redwood Valley Gravel Products)  
 91-23-0032 — Big River—7 Mile Quarry (Mendocino Redwood Co. LLC)  
 91-23-0033 — Mackenzie-Crabtree (Enterra, Inc.)  
 91-23-0035 — Thomas Bar (W.H. Cleland & Holly & Co.)  
 91-23-0036 — Cooks Valley—Mendocino (Mercer, Fraser Company)  
 91-23-0037 — Big River Rock Co. (Big River Rock)  
 91-23-0038 — Wilsey Ranch Quarry (Kibesillah Rock Co.)  
 91-23-0039 — Blue Ridge Rock Products (Kenneth J. McCutchan)  
 91-23-0040 — Crabtree Bar-Nashmead (Parnum Paving, Inc.)  
 91-23-0041 — B & B Quarry (B & B Equipment)  
 91-23-0042 — Warbonnet Rock Products (Warbonnet Rock Products)

91-23-0043 — Diamond H Ranch Coal Mine (Diamond H Ranch)

91-23-0047 — Poonkinney Agricultural Rock Q (Clyde Williams)

**County of Merced**

*Mine I.D.      Mine Name (Operated By)*

91-24-0004 — Silva Pit (Calaveras Materials Inc.)  
 91-24-0005 — Triple C/Snelling (Calaveras Materials Inc.)  
 91-24-0006 — La Grange Pit (Calaveras Materials Inc.)  
 91-24-0007 — Craven Pit (Jaxon Enterprises)  
 91-24-0008 — J. Blasingame & Sons, Inc. (Blasingame & Sons Inc.)  
 91-24-0009 — Triangle Rock Prod/Los Banos (Triangle Rock Products)  
 91-24-0012 — Canyon Rock Pit (Canyon Rock Pit)  
 91-24-0014 — Winton Plant (Santa Fe Aggregates, Inc.)  
 91-24-0016 — Sunset Pit (County of Merced)  
 91-24-0018 — John Mancebo Mine (John Mancebo Mine)  
 91-24-0020 — Gamble Pit (Central Valley Concrete Inc.)  
 91-24-0021 — Harold Hansen Estate (Valley Sand & Gravel)  
 91-24-0022 — BMD Excavation (Bettencourt & Marson Daily)  
 91-24-0026 — Andrian Ranch (Ranchwood Contractors, Inc.)  
 91-24-0028 — Merced River Mining (Merced River Mining & Rec Corp)  
 91-24-0031 — Bettencourt Ranch Sand Pit (Santa Fe Aggregates, Inc.)  
 91-24-0032 — Oak Street Pit (Trico Contractors, Inc.)  
 91-24-0033 — Olive Avenue Pit (Trico Contractors, Inc.)  
 91-24-0034 — Hailey Pit (Trico Contractors, Inc.)  
 91-24-0036 — Doolittle Plant (Santa Fe Aggregates, Inc.)  
 91-24-0037 — Princeton Pit (Central Valley Concrete, Inc.)  
 91-24-0038 — Woolstenhulme Ranch (Calaveras Materials, Inc.)

**County of Modoc**

*Mine I.D.      Mine Name (Operated By)*

91-25-0001 — Morgan Ranch Company, Inc. (Morgan Ranch Company, Inc.)  
 91-25-0002 — Goodwin's Sand & Gravel (Goodwin's Sand and Gravel)

- 91-25-0003 — Caldwell Cinder Pit Mine (Mt. Lassen Cinder Co.)
- 91-25-0007 — Hindle Pit (Modoc County Road Department)
- 91-25-0008 — Shaw Pit (Modoc County)
- 91-25-0009 — Blacks Canyon Surface Mine (Baldwin Contracting Co)
- 91-25-0010 — Johnson Pit (Modoc County Road Department)
- 91-25-0014 — Lake City Mine (Modoc County Road Department)
- 91-25-0015 — Fitch Sand & Gravel (Fitch Sand & Gravel)
- 91-25-0016 — Duval Borrow Area (Tuscarora Gas Transmission Co.)
- 91-25-0017 — Stones Canyon Site (Likely Land & Livestock Co.)
- 91-25-0024 — Gardner Ranch (C. Clarke Gardner)
- 91-25-0025 — Larranaga Pit (Fernand Larranaga, Jr.)

**County of Mono**

*Mine I.D.      Mine Name (Operated By)*

- 91-26-0001 — Black Point Cinder, Inc. (Black Point Cinders, Inc.)
- 91-26-0002 — Hot Creek Kaolin Mine (Standard Industrial Minerals)
- 91-26-0004 — Frank Sam Mine (U.S. Pumice Company)
- 91-26-0007 — #24A (CalTrans)
- 91-26-0010 — #116-2 (CalTrans)
- 91-26-0011 — #117 Pole Line (CalTrans)
- 91-26-0013 — #135 Convict Creek (CalTrans)
- 91-26-0015 — #189 Sweetwater (CalTrans)
- 91-24-0016 — #190 (CalTrans)
- 91-26-0017 — #205 Green Lakes (CalTrans)
- 91-26-0018 — #210 Milner Fan (CalTrans)
- 91-26-0021 — #213 Benton Hill (CalTrans)
- 91-26-0024 — #250 (Caltrans)
- 91-26-0026 — #273 Burcham Flats (CalTrans)
- 91-26-0029 — Lee Vining Gravel Pit (Mono Rock)
- 91-26-0043 — Milner Fan West (W. Jaxon Baker, Inc.)

**County of Monterey**

*Mine I.D.      Mine Name (Operated By)*

- 91-27-0003 — Del Monte Forest Quarry (Granite Construction Company)
- 91-27-0004 — Metz/Chalome Creek Pit (Granite Construction Company)
- 91-27-0005 — Natividad Quarry (Chemical Lime Company)

- 91-27-0007 — BLM Rock Pile (Don Wesner Inc.)
- 91-27-0008 — Arroyo Seco Rock (Wm. J. Clark Trucking Service)
- 91-27-0011 — Pine Canyon Quarry (Granite Construction Company)
- 91-27-0012 — Stonewall Canyon Quarry (Syar Industries, Inc.)
- 91-27-0020 — Echenique Pit (Swift Tectonics, Inc.)
- 91-27-0021 — Jefferson Pit (The Don Chapin Company, Inc.)
- 91-27-0025 — Chalone Creek Pit (Swift Techtonics, Inc.)

**City of Marina**

*Mine I.D.      Mine Name (Operated By)*

- 91-27-0006 — Lapis (RMC Pacific Materials)

**County of Napa**

*Mine I.D.      Mine Name (Operated By)*

- 91-28-0002 — Oat Hill Quarry (S. Napa Waste Mngmt Authority)
- 91-28-0003 — McLaughlin (Homestake Mining Company)
- 91-28-0004 — Napa Quarry (Syar Industries)
- 91-28-0005 — American Canyon Quarry (Syar Industries, Inc.)

**City of St. Helena**

*Mine I.D.      Mine Name (Operated By)*

- 91-28-0001 — Harold Smith and Son Pit (Harold Smith and Son, Inc.)

**County of Nevada**

*Mine I.D.      Mine Name (Operated By)*

- 91-29-0002 — North Star Plant (Hansen Bros. Enterprises)
- 91-29-0004 — Martis Valley Plant (Teichert Aggregates)
- 91-29-0005 — Plant #2—Truckee (Sha-Neva, Inc.)
- 91-29-0006 — Greenhorn Gravel Plant (Hansen Brothers Enterprises)
- 91-29-0007 — Bear River Gravel Plant (Hansen Brothers Enterprises)
- 91-29-0010 — Ridge Rock Quarry (Ridge Rock Quarry)
- 91-29-0011 — Trood Placer Mine (Grizzly Hill Gravel)
- 91-29-0012 — Chevreux Aggregates, Inc. (Chevreux Aggregates, Inc.)
- 91-29-0013 — French Corral (C.M.E. Services)
- 91-29-0014 — Northstar Mine (Terra Alta Development/Robins)
- 91-29-0015 — Secret Town (R. J. Miles Co.)
- 91-29-0017 — San Juan Ridge Mine (Siskon Gold Corporation)

- 91-29-0018 — Hirschdale Cinder Quarry (Jim Dobbas, Inc.)  
 91-29-0020 — Red Ledge Mine (Red Ledge Mining Co. L.L.C.)

**County of Orange**

- Mine I.D.      Mine Name (Operated By)*  
 91-30-0004 — Oglebay Norton Industrial Sand (Oglebay Norton Industrial Sand)  
 91-30-0005 — Irvine Lake (Hanson Aggregates West, Inc.)  
 91-30-0007 — R.J. Noble Company (R.J. Noble Company)  
 91-30-0008 — Marion Clay (Riverside Cement Company)  
 91-30-0009 — Rancho Mission Viejo (Riverside Cement Company)  
 91-30-0010 — Irvine Lake (CalMat Co)

**City of Anaheim**

- Mine I.D.      Mine Name (Operated By)*  
 91-30-0006 — Star (Robertson's Ready Mix)

**City of Lake Forest**

- Mine I.D.      Mine Name (Operated By)*  
 91-30-0014 — El Toro Materials Parcel I (El Toro Materials Company)

**County of Placer**

- Mine I.D.      Mine Name (Operated By)*  
 91-31-0001 — Hoffman Pits (Foresthill Exploration and Min)  
 91-31-0004 — Chevreaux Aggregates, Inc. (Chevreaux Aggregates, Inc.)  
 91-31-0005 — Lincoln Pit Clays (Gladding McBean)  
 91-31-0006 — Richie Quarry (Don Robinson Sand & Gravel, Inc.)  
 91-31-0007 — Lincoln Clay Products Company (Lincoln Clay Products Company)  
 91-31-0008 — Robinson Gravel Pit Newcastle (Don Robinson Sand & Gravel, Inc.)  
 91-31-0009 — Patterson Sand and Gravel (Patterson Sand & Gravel)  
 91-31-0011 — Bear River Gravel Plant (Hansen Brothers Enterprises)  
 91-31-0016 — Colfax Shale Mine (Gladding McBean)

**City of Rocklin**

- Mine I.D.      Mine Name (Operated By)*  
 91-31-0013 — Big Gun Quarry (Big Gun Mining Company)

**County of Plumas**

- Mine I.D.      Mine Name (Operated By)*  
 91-32-0001 — River Ranch Aggregate (Feather River Materials, Inc.)  
 91-32-0002 — Chester Pit (Baldwin Contracting Company, Inc.)  
 91-32-0005 — Twain Enterprises (Twain Enterprises)  
 91-32-0008 — Feather River Pit (Graeagle Land & Water Co.)  
 91-32-0009 — Frazier Creek Pit (Graeagle Land & Water Co.)  
 91-32-0010 — Rocky Point Borrow Site (Plumas County)  
 91-32-0012 — Willow Creek Borrow Site (Plumas County)  
 91-32-0015 — Soper Pit (Feather River Material, Inc.)  
 91-32-0016 — Spanish Creek Aggregates, Inc. (Spanish Creek Aggregates, Inc.)  
 91-32-0018 — Sloat Pit (Baldwin Contracting Company, Inc.)  
 91-32-0019 — Feather River Rock (Feather River Rock Co.)  
 91-32-0022 — P.T.L. Trans. D.G. Pit (P.T.L. Trans D.G. Pit)  
 91-32-0023 — Tobin Quarry (Union Pacific Railroad)  
 91-32-0025 — Mud Pit/Rosegurg Pit (Baldwin Contracting Company)  
 91-32-0026 — Roger Clark/Delleker (Clark Construction Co.)  
 91-32-0028 — Butler Quarry (Frontier Construction)  
 91-32-0029 — Heinz Pit (Riverside Rock)  
 91-32-0030 — Spanish Creek Aggregates (Spanish Creek Aggregates)  
 91-32-0032 — Sierra Solutions (Joy Engineering)

**County of Riverside**

- Mine I.D.      Mine Name (Operated By)*  
 91-33-0001 — Glen Ivy (Werner Corporation)  
 91-33-0002 — Avalon Street Pit (E. L. Yeager Construction Co.)  
 91-33-0003 — Painted Hills (Whitewater Rock & Supply Company)  
 91-33-0007 — Mobile Sand Company (Standard Concrete Products)  
 91-33-0008 — Cabazon Quarry (Robertson's Ready Mix)  
 91-33-0009 — Jack Rabbit Canyon (Triangle Rock Products)  
 91-33-0010 — Glen Ivy (Werner Corporation)



91-33-0011 — Sierra Plant (Chandler's Aggregates Inc.)

91-33-0013 — U.S. Tile No. 6 (USA Waste of CA, Inc.)

91-33-0014 — Chandler Aggregates—Coldwater (Chandler Aggregates Inc.)

91-33-0016 — 3M Corona (3M)

91-33-0018 — Alberhill Shale Clay Mine (Maruhachi Ceramics of America)

91-33-0019 — Kennedy Hills (Kerry Kennedy)

91-33-0020 — Mountain Avenue Pit #2 (Elsinore Ready Mix Co., Inc.)

91-33-0023 — Corona Clay (Rentrac, Inc.)

91-33-0025 — Liston Pit (Rentrac, Inc.)

91-33-0028 — Palm Desert Rock & Sand (Hanson Agg West Inc.)

91-33-0029 — Philadelphia Recycling Mine (Plyley Enterprises Inc.)

91-33-0030 — Indio Pit (Granite Construction)

91-33-0031 — Garnet Pit (Granite Construction Co.)

91-33-0033 — Thermal Pit (Granite Construction Co.)

91-33-0034 — Ben's Mine (Mission Clay Products)

91-33-0039 — Mayhew Canyon (C.L. Pharris Sand & Gravel, Inc.)

91-33-0040 — Juniper Flats (C.L. Pharris Sand & Gravel, Inc.)

91-33-0042 — Shamrock Sand & Rock, Inc. (Shamrock Sand & Rock, Inc.)

91-33-0043 — Prado Pit (Copp Materials, Inc.)

91-33-0046 — Bradshaw Pit (Riverside Co. Transportation)

91-33-0047 — Terwilliger Road Pit (Riverside Co. Transportation)

91-33-0048 — Mountain View Rd. Pit (Riverside Co. Transportation)

91-33-0049 — Bundy Canyon Pit (Riverside Co. Transportation)

91-33-0051 — Midland Pit (Riverside Co. Transportation)

91-33-0052 — East Benton Pit (Riverside Co. Transportation)

91-33-0053 — Juniper Flats Pit (Riverside Co. Transportation)

91-33-0054 — Markham Pit (Riverside Co. Transportation)

91-33-0055 — Little Lake Pit (Riverside Co. Transportation)

91-33-0056 — Beaumont Pit (Riverside Co. Transportation)

91-33-0060 — Kaiser Eagle Mountain (Kaiser Ventures, Inc.)

91-33-0061 — Harlow Quarry (Paul Hubbs Construction Co.)

91-33-0062 — Pyrite Quarry (Paul Hubbs Construction Co.)

91-33-0063 — James E. Simon Company (James E. Simon Company)

91-33-0066 — Dillon Road Sand & Gravel Mine (E.L. Yeager Construction Co.)

91-33-0067 — B.L.M.—Thousand Palms (E.L. Yeager Construction Co.)

91-33-0071 — Valley Rock & Sand (Valley Rock & Sand, Inc.)

91-33-0072 — R Bar C (Valley Rock & Sand, Inc.)

91-33-0075 — Glen Ivy (Werner Corporation)

91-33-0076 — Standard Gypsum Mine (Pacific Gypsum Products, Inc.)

91-33-0078 — Tom's Quarry (Crawford Associates)

91-33-0080 — Midland/Shepwell's (Shepwell's Inc.)

91-33-0082 — Sam Jones Mine (Sam Jones)

91-33-0084 — Indio Mine (Coachella Valley Aggregates)

91-33-0086 — Thousand Palms Sand & Gravel (E.L. Yeager Construction Co.)

91-33-0088 — Shepwell's Williams Pit (Shepwell's, Inc.)

91-33-0090 — New Thermal Pit (Riverside County Transportation)

**City of Banning**

*Mine I.D.      Mine Name (Operated By)*

91-33-0012 — Banning Quarry (Robertson's Ready Mix)

**City of Corona**

*Mine I.D.      Mine Name (Operated By)*

91-33-0005 — All American Aggregates (All American Asphalt)

91-33-0024 — Smith Sand (Riverside Cement Company)

91-33-0027 — Corona Quarry (CalMat Company)

**City of Lake Elsinore**

*Mine I.D.      Mine Name (Operated By)*

91-33-0022 — Alberhill (Pacific Clay)

91-33-0073 — Murdock-Alberhill Ranch (Pacific Clay Products)

**City of Riverside**

*Mine I.D.      Mine Name (Operated By)*

91-33-0077 — City of Riverside Granite Pit (City of Riverside, Public Works)

**County of Sacramento**

<i>Mine I.D.</i>	<i>Mine Name (Operated By)</i>
91-34-0001	— Van Vleck Rancho Sand & Gravel (Van Vleck Rancho Sand & Gravel)
91-34-0003	— Van Vleck Ranch Pit (H.C. Muddox)
91-34-0005	— McDonell Clay Pit (Industrial Minerals Company)
91-34-0006	— Teichert-Perkins Plant (Teichert Aggregates)
91-34-0008	— Teichert-Aspen IV (Teichert Aggregates)
91-34-0009	— Teichert-Aspen V (Teichert Aggregates)
91-34-0012	— Rancho Cordova (RMC Pacific Materials)
91-34-0013	— Lower Bradford Clay (Van Vleck Rancho Sand & Gravel)
91-34-0016	— Van Vleck Michigan Bar Pit (H.C. Muddox)
91-34-0018	— Sandy Pan Pit #8 (H.C. Muddox)
91-34-0022	— Hanford Sand & Gravel, Inc. (Cal Smith Trucking)
91-34-0023	— Clark Site (American River Aggregates)
91-34-0024	— Yost Site (American River Aggregates)
91-34-0025	— Happy Lane (Granite Construction Company)
91-34-0027	— Fairbairn South II (Granite Construction Company)
91-34-0028	— Teichert-Aspen 5A (Teichert Aggregates)
91-34-0030	— Borrow Site 2L (Sacramento Area Flood Control)
91-34-0032	— SAFCA Borrow Sites 2C, 2D, & (Sacramento Area Flood Control)
91-34-0033	— Pilleken Ranch (River City Aggregates)
91-34-0034	— Teichert-Aspen III South (Teichert Aggregates)
91-34-0036	— Granite I (Granite Construction Co.)
91-34-0037	— Teichert-Aspen VI (Teichert Aggregates)
91-34-0038	— Grech Ranch (Triangle Rock Products)
91-34-0039	— East Mining (American River Aggregates)
91-34-0040	— Ben Brown Pit (Ben Brown Ranches, Inc.)
91-34-0043	— Vineyard 1 (Granite Construction Company)

91-34-0044 — Aerojet Mining Site (American River Aggregates)

91-34-0045 — Aspen IV South (Teichert Aggregates)

91-34-0046 — Aspen V South (Teichert Aggregates)

**City of Sacramento**

<i>Mine I.D.</i>	<i>Mine Name (Operated By)</i>
91-34-0021	— Perkins (Granite Construction Company)
91-34-0035	— SAFCA Borrow Site 18A (Sacramento Area Flood Control)

**County of San Benito**

<i>Mine I.D.</i>	<i>Mine Name (Operated By)</i>
91-35-0001	— Joe Pit (KCAC, Inc.)
91-35-0002	— Tres Pinos Creek Pit (Hillsdale Rock Company, Inc.)
91-35-0003	— San Juan Pit #6 (Hillsdale Rock Company, Inc.)
91-35-0004	— Plant 25 (The Don Chapin Co., Inc.)
91-35-0005	— Ashurst-Lewis (Wilbur-Ellis Company)
91-35-0006	— Paicines Ranch (San Benito Supply)
91-35-0008	— Williams Quarry (Stevens Creek Quarry, Inc.)
91-35-0009	— Southside Sand & Gravel (Granite Rock Company #22349)
91-35-0010	— Harris Quarry (Granite Rock Company #22349)
91-35-0011	— San Benito Sand (Granite Rock Company #22349)
91-35-0012	— A.R. Wilson Quarry (Granite Rock Company #22349)
91-35-0013	— Dolomite Quarry (San Benito Aggregates, Inc.)
91-35-0014	— San Juan Asphalt (San Juan Asphalt)
91-35-0016	— Lomerias Muertas (Hillsdale Rock Company, Inc.)
91-35-0019	— Muleshoe Mine (Buffalo Gypsum, Inc.)
91-35-0020	— Benitoite Gem Mine (Benitoite Gem Mine)

**County of San Bernardino**

<i>Mine I.D.</i>	<i>Mine Name (Operated By)</i>
91-36-0001	— Lavic Quarry (Twin Mountain Rock Company)
91-36-0002	— Mountain Pass Mine (Molycorp, Inc.)
91-36-0007	— Apple Valley Clay Mine (Maruhachi Ceramics of America)
91-36-0008	— America Mine (America Mine II Limited Partner)
91-36-0012	— San Bernardino (CalMat Company)

# **CALIFORNIA REGULATORY NOTICE REGISTER 2002, VOLUME NO. 3-Z**

91-36-0015 — Castle Mountain Venture (Viceroy Gold Corp.)	91-36-0059 — Fontana Pit (Hanson Agg West, Inc.)
91-36-0017 — Red Top Mine (Sierra Aggregate Company, Inc.)	91-36-0062 — Lane Mountain Pit (Sully-Miller Contracting Co.)
91-36-0018 — Inland Rock (Hanson Agg West Inc.)	91-36-0063 — Essex Pit I (Sully-Miller Contracting Co.)
91-36-0019 — Black Mountain Quarry (Southdown-CA Cement)	91-36-0064 — Barstow Pit II (Sully-Miller Contracting Co.)
91-36-0020 — Amboy (Tetra Technologies, Inc.)	91-36-0067 — White Knob/White Ridge; Limes (OMYA (CA) Inc.)
91-36-0021 — Bristol Dry Lake (National Chloride Company of America)	91-36-0074 — B and B Mine Group (CalTac, Inc.)
91-36-0023 — Oro Grande Quarry (Riverside Cement Company)	91-36-0076 — Daggett Borrow Pit (CalTrans)
91-36-0025 — Oro Grande Silica (Victorville Industrial Mineral)	91-36-0077 — Newberry Borrow Pit (CalTrans)
91-36-0026 — Colosseum Mine (LAC Minerals USA)	91-36-0082 — Opah Ditch Borrow Pit (CalTrans)
91-36-0027 — Borosolvay Borrow Pit (IMC Chemicals, Inc.)	91-36-0083 — Afton Road Borrow Pit (CalTrans)
91-36-0028 — East Gravel Pit (IMC Chemicals, Inc.)	91-36-0086 — Fertilizer Amboy Mine (C.V. Organic Fertilizer Co.)
91-36-0031 — Lake and Mineral Resource (IMC Chemicals, Inc.)	91-36-0087 — Calspar (Pacific Coast Minerals)
91-36-0033 — Hector Mine (Rheox Inc.)	91-36-0089 — Bentonite Open Pit Mine (Brubaker-Mann Inc.)
91-36-0034 — Birdseye Granite (Brubaker-Mann Inc.)	91-36-0090 — Wine Red Quarry (Brubaker-Mann Inc.)
91-36-0035 — Colton Quarry (California Portland Cement Co.)	91-36-0091 — Gold, Brown, and Lilac Quarrie (Brubaker-Mann Inc.)
91-36-0036 — Baxter Quarry (California Portland Cement Co.)	91-36-0092 — Green Mountain Quarry (Brubaker-Mann Inc.)
91-36-0037 — Superior Quarry (California Portland Cement Co.)	91-36-0093 — Shadow Mountain/White Rock (Brubaker-Mann Inc.)
91-36-0040 — Lytle Creek (C.L. Pharris Sand & Gravel)	91-36-0099 — Dale Lake Project (Superior Salt, Inc.)
91-36-0041 — Newberry Springs (Hanson Agg West, Inc.)	91-36-0101 — Cima Cinder Mine (J. Lorene & Terrence J Caffee)
91-36-0042 — Hi-Grade Materials Company (Hi-Grade Materials Company)	91-36-0103 — Kingston Minerals Group: K-1 (Cal-talc, Inc.)
91-36-0043 — Cadiz Dry Lake (Lee Chemical, Inc.)	91-36-0104 — Silver Lake Mine (Hahm International)
91-36-0045 — Marble Canyon (Specialty Minerals, Inc.)	91-36-0105 — Allvic & Alumina Quarry (Southdown-Victorville Plant)
91-36-0046 — Agcon, Inc. (Agcon, Inc.)	91-36-0106 — White Mountain Quarry (Southdown-Victorville Plant)
91-36-0047 — Oro Grande Rock Plant (Industrial Asphalt)	91-36-0107 — Old Quarries (Southdown-Victorville Plant)
91-36-0052 — Sentinel Quarry/USFS Land (OMYA (CA) Inc.)	91-36-0111 — Sigma Clay Mine (Sigma Clay Company)
91-36-0053 — Crystal Hills Sand and Gravel (Hanson Agg West, Inc.)	91-36-0112 — Cajon Pass Sand & Gravel (Cambrian Corporation)
91-36-0054 — Cushenbury (Mitsubishi Cement Corporation)	91-36-0113 — Ludlow Pit (FNF Construction, Inc.)
91-36-0055 — 29 Palms Pit (Granite Construction Co.)	91-36-0116 — Cushenbury Sand & Gravel Quarry (Channel & Basin Reclamation)
	91-36-0117 — Essex Pit II (Sully-Miller Contracting Co.)

- 91-36-0120 — Essex Sand & Gravel Mine (E.L. Yeager Construction Co.)
- 91-36-0124 — Fort Cady Borate Mine (Fort Cady Minerals Corp.)
- 91-36-0125 — Omega Mine (Protech Minerals, Inc.)
- 91-36-0126 — Vulcan Mine (Protech Minerals)
- 91-36-0127 — Kaiser (Fontana Rock Co. Inc.)
- 91-36-0128 — Black Angel Mine (Sigma Stone Co.)
- 91-36-0131 — Jacobson Construction Gravel (Jacobson Construction)
- 91-36-0133 — Hill Top Quarry (San Bdn. Trans/Fld Cntrl Dept.)
- 91-36-0134 — Minneola Pit (San Bernardino Co Trans/Flood)
- 91-36-0135 — Mount Elmo Quarry (San Bernardino Co Trans/Flood)
- 91-36-0136 — Kilo Gold Mine (Canterra Tech Ltd)
- 91-36-0137 — Cajon Creek (CalMat Co.)
- 91-36-0138 — Upper Furnace Quarry (Specialty Minerals, Inc.)
- 91-36-0139 — Arctic Canyon (Specialty Minerals, Inc.)
- 91-36-0140 — Amboy Limestone Quarry (OMYA (CA) Inc.)
- 91-36-0142 — Wildwash (E.L. Yeager Construction Co.)
- 91-36-0143 — Beige Rock (Brubaker-Mann, Inc.)
- 91-36-0157 — Desert Pink Quarry (Brubaker-Mann, Inc.)
- 91-36-0160 — Pioneer (Protech Minerals, Inc.)

**City of Apple Valley**

*Mine I.D.      Mine Name (Operated By)*

- 91-36-0022 — Scheerer Quarry (Riverside Cement Company)

**City of Barstow**

*Mine I.D.      Mine Name (Operated By)*

- 91-36-0038 — Barstow (Service Rock Products)

**City of Highland**

*Mine I.D.      Mine Name (Operated By)*

- 91-36-0072 — Plunge Creek Basins (Robertson's Ready Mix)
- 91-36-0118 — Seven Oaks Dam (US Army Corps of Engineers)
- 91-36-0119 — Seven Oaks Dam Impervious (US Army Corps of Engineers)

**City of Needles**

*Mine I.D.      Mine Name (Operated By)*

- 91-36-0100 — Needles Redi-Mix (A Block Company, Inc.)

- 91-36-0102 — Gravel Gertie (Tri-State Hwy. 95 So. Rock, Sand)

**City of Redlands**

*Mine I.D.      Mine Name (Operated By)*

- 91-36-0068 — Alabama Street (C.L. Pharris Sand & Gravel, Inc.)
- 91-36-0069 — Johnson Pit (C.L. Pharris Sand & Gravel, Inc.)
- 91-36-0070 — Redlands Aggregate (C.L. Pharris Sand & Gravel, Inc.)
- 91-36-0073 — Old Webster Quarry (Robertsons Ready Mix)
- 91-36-0088 — Orange Street (C.L. Pharris Sand & Gravel, Inc.)
- 91-36-0122 — California Street Landfill (City of Redlands)
- 91-36-0158 — Johnson Pit North (Cemex USA Construction Materials)

**City of Rialto**

*Mine I.D.      Mine Name (Operated By)*

- 91-36-0004 — Rialto Plant (Holliday Trucking, Inc.)
- 91-36-0146 — Mid-Valley Sanitary Landfill (County of San Bernardino Waste)

**City of San Bernardino**

*Mine I.D.      Mine Name (Operated By)*

- 91-36-0010 — Lytle Creek (Fourth Street Rock Crusher)
- 91-36-0011 — Fourth Street Rock Crusher/75 (Fourth Street Rock Crusher)
- 91-36-0065 — Sand Pit, Vern Anthony Gunite (Vern Anthony Gunite, Inc.)

**City of Upland**

*Mine I.D.      Mine Name (Operated By)*

- 91-36-0003 — Campus Plant (Holliday Rock Co., Inc.)
- 91-36-0006 — Foothill Plant (Holliday Rock Company, Inc.)
- 91-36-0014 — Upland Pit (CalMat Company)
- 91-36-0024 — Mtn View Land Co. (Mtn View Land Co.)

**County of San Diego**

*Mine I.D.      Mine Name (Operated By)*

- 91-37-0002 — North Twin Oaks Valley Quarry (Hanson Aggregate Co.)
- 91-37-0005 — Pala Rock Plant (Sand) (Hanson Aggregate Co.)
- 91-37-0010 — Lakeside Sand Pit (C.W. McGrath, Inc.)
- 91-37-0011 — Hillsdale Pit (C.W. McGrath, Inc.)
- 91-37-0019 — TTT Quarry (Superior Ready Mix Concrete)



91-37-0020 — Hester's Granite (Hanson Agg)  
 91-37-0021 — Slaughter House Canyon (Pioneer Concrete of CA., Inc.)  
 91-37-0022 — McGrath Borrow Pit (C.W. McGrath, Inc.)  
 91-37-0027 — Sloan Canyon (Sloan Canyon Sand Company)  
 91-37-0033 — Lakeside (Vulcan Materials)  
 91-37-0034 — El Monte Pit (Hanson Aggregate Co.)  
 91-37-0035 — Otay Ranch Pit (Hanson Aggregate Co.)  
 91-37-0036 — Nelson & Sloan Pit 12 (Hanson Aggregate Co.)  
 91-37-0042 — Monte Vista Borrow Pit (San Diego County Public Works)  
 91-37-0043 — Allen Borrow Pit (San Diego County Public Works)  
 91-37-0044 — Buckman Springs Borrow Pit (San Diego County Public Works)  
 91-37-0045 — Olive Street Borrow Pit (San Diego County Public Works)  
 91-37-0046 — McCain Borrow Pit (San Diego County Public Works)  
 91-37-0047 — Burnand Borrow Pit (San Diego County Public Works)  
 91-37-0048 — Warner Borrow Pit (San Diego County Public Works)  
 91-37-0050 — Moretti-Mesa Grande B.P. (San Diego County Public Works)  
 91-37-0052 — National Quarries (National Quarries)  
 91-37-0053 — Jamul Quarry (CalMat Co.)  
 91-37-0054 — Inland Valley Materials (Inland Valley Materials)  
 91-37-0056 — Palo Verde Lake Desiltation & (Palo Verde Ranch HOA)  
 91-37-0057 — The Pauma Valley Country Club (The Pauma Valley Country Club)  
 91-37-0060 — Rancho San Diego Golf Course (J. Cloud Inc.)  
 91-37-0063 — Woodward Sand (Lakeside Land Company, Inc.)  
 91-37-0064 — Baxter Quarry (M.J. Baxter Drilling Company)

**City of Oceanside**

*Mine I.D.      Mine Name (Operated By)*  
 91-37-0012 — El Corzan (City of Oceanside)  
 91-37-0016 — Oceanside/Carlsbad (Hanson Aggregate Co.)

**City of Poway**

*Mine I.D.      Mine Name (Operated By)*  
 91-37-0030 — Vulcan—Poway (Vulcan Materials)

**City of San Diego**

*Mine I.D.      Mine Name (Operated By)*  
 91-37-0004 — Mission Valley Rock Plant (H.G. Fenton Co.)  
 91-37-0007 — Carroll Canyon Plant (Hanson Aggregate Co.)  
 91-37-0013 — Sim J. Harris Company (Hanson Aggregate Co.)  
 91-37-0024 — Mission Gorge Pit (Superior Ready Mix Concrete, L)  
 91-37-0026 — Mission Valley (CalMat Co.)  
 91-37-0028 — Mission Valley-Ex Fenton (CalMat Co.)  
 91-37-0029 — Carroll Canyon (CalMat Co.)  
 91-37-0037 — Border Highlands Pit (Jim & Lois Nelson LP)

**City of San Marcos**

*Mine I.D.      Mine Name (Operated By)*  
 91-37-0015 — UCLH San Marcos (Hanson Aggregate Co.)

**City of Santee**

*Mine I.D.      Mine Name (Operated By)*  
 91-37-0025 — RCP Pits 1, 2, 3, & 5 Inclusive (RCP Block & Brick, Inc.)

**City of Vista**

*Mine I.D.      Mine Name (Operated By)*  
 91-37-0009 — Wyroc Sycamore Quarry (Wyroc, Inc.)

**County of San Joaquin**

*Mine I.D.      Mine Name (Operated By)*  
 91-39-0001 — Oakwood Lake Pit (Brown Sand, Inc.)  
 91-39-0002 — QX 94-1 Vernalis (Granite Const., Co.)  
 91-39-0005 — Rose (Teichert Aggregates)  
 91-39-0006 — Tracy Rock Plant (Teichert Aggregates)  
 91-39-0007 — Pereira (Teichert Aggregates)  
 91-39-0008 — Tracy Pit (Granite Construction Company)  
 91-39-0009 — RME Pit (Granite Construction Company)  
 91-39-0010 — Valley Rock (Valley Mtrls)  
 91-39-0011 — Kasson Road Pit (F.T.G. Construction Mtrls, Inc.)  
 91-39-0012 — Mossdale Road Pit (F.T.G. Construction Mtrls, Inc.)  
 91-39-0013 — Purviance/Garabaldi (Reeves Sand & Gravel Inc.)  
 91-39-0014 — Kerlinger-Huck (RMC Pacific Materials)

- 91-39-0015 — Kerlinger/Rhodes (RMC Pacific Materials)
- 91-39-0016 — Solari Pit (George Reed, Inc.)
- 91-39-0018 — Featherstone Ranch (George Reed, Inc.)
- 91-39-0019 — Main Riverbank Pit (George Reed, Inc.)
- 91-39-0020 — KRC Aggregate, Inc. (KRC Aggregate, Inc.)
- 91-39-0021 — Vernalis (Teichert Aggregates)
- 91-39-0022 — Mossdale Ranch (Brown Sand, Inc.)
- 91-39-0024 — Traina (Teichert Aggregates)
- 91-39-0025 — Christensen Ranch (George Reed, Inc.)
- 91-39-0029 — DSS Company Vernalis Quarry (DSS Company)
- 91-39-0031 — Moffatt Mine (A.A. & Bob Allen, Inc.)
- 91-39-0032 — McGah & Peterson Property (Granite Construction Company)
- 91-39-0033 — Rumble Ranch (George Reed, Inc.)

**County of San Luis Obispo**

- | <i>Mine I.D.</i> | <i>Mine Name (Operated By)</i>                          |
|------------------|---|
| 91-40-0002       | Hartzell Ranch Santa Rita Ston (Hartzell Ranch)         |
| 91-40-0003       | Santa Margarita (Hanson Agg-Mid-Pacific, Inc.)          |
| 91-40-0004       | Toresh Ready Mix, Inc. (Troesh Ready Mix, Inc.)         |
| 91-40-0005       | Hartzell Ranch-Red Rock Quarry (W.W. Hartzell, Jr.)     |
| 91-40-0006       | Brughelli Pit (Damon-Garcia)                            |
| 91-40-0007       | Guerra Pit (Dale Guerra)                                |
| 91-40-0008       | Homeplace Pit (Anna Mainini)                            |
| 91-40-0009       | Cambria Pit (Negranti Construction)                     |
| 91-40-0010       | Whale Rock Pit (Negranti Construction)                  |
| 91-40-0011       | Land Red Rock Pit (Negranti Construction)               |
| 91-40-0013       | Rocky Canyon (Union Asphalt, Inc.)                      |
| 91-40-0014       | Sisquoc Mining Operation (Union Asphalt, Inc.)          |
| 91-40-0015       | Miller Mine (Union Asphalt, Inc.)                       |
| 91-40-0016       | Tiber Canyon Sand Pit (R. Burke Corporation)            |
| 91-40-0019       | Lime Mountain Company (Lime Mountain Company)           |
| 91-40-0021       | North River Road Pit (Viborg Sand & Gravel, Inc.)       |
| 91-40-0022       | Mountain Springs Shale Pit (Viborg Sand & Gravel, Inc.) |

- 91-40-0024 — Froom Ranch Pit (Madonna Construction Co.)
- 91-40-0026 — Bianchi Pit (Winsor Construction)
- 91-40-0027 — Navajo Rock & Sand—Navajo Cr (Navajo Concrete)
- 91-40-0028 — Huasna River Pit (San Luis Obispo County)
- 91-40-0029 — North River Road Mine (San Luis Obispo County)
- 91-40-0031 — Cambria Rock (Cambria Rock)
- 91-40-0034 — Templeton/Ormonde (M. J. Hermreck & Willco Assoc.)
- 91-40-0035 — Beecham Red Rock Pit (J.H. Beecham)
- 91-40-0036 — Oceano Sand Company (Oceano Sand Company)
- 91-40-0038 — Patchett Pit (DeChance Construction Co., Inc.)
- 91-40-0039 — 3/S Ranch Pit (3/S Ranch Pit)
- 91-40-0041 — Rancho San Simeon (Rancho San Simeon)
- 91-40-0042 — Sycamore Road Pit (Borzini Sand & Gravel)
- 91-40-0043 — Arroyo Del Osos Beach (Winsor Construction)
- 91-40-0044 — McNaughton Mines (Harold McNaughton, Sr.)
- 91-40-0045 — Barrett Pit (Barrett Brothers Pit)
- 91-40-0047 — Grieb Ranch Quarry (Harley Green Stone Co.)
- 91-40-0048 — Nesbitt (Union Asphalt, Inc.)
- 91-40-0049 — Farming Camp (Darrell Twisselman)
- 91-40-0050 — California Valley Mine (Darrell Twisselman)
- 91-40-0051 — Hartzell Ranch (W.W. Hartzell, Jr.)

**City of Atascadero**

- | <i>Mine I.D.</i> | <i>Mine Name (Operated By)</i>   |
|------------------|----------------------------------|
| 91-40-0001       | Millhollin Pit (Glen Millhollin) |

**City of Paso Robles**

- | <i>Mine I.D.</i> | <i>Mine Name (Operated By)</i>                     |
|------------------|--|
| 91-40-0023       | 1529 North River Road (Viborg Sand & Gravel, Inc.) |
| 91-40-0030       | Salinas River Borrow Pit (City of Paso Robles)     |
| 91-40-0040       | Lone Oak (Willco/Hermreck)                         |

**County of San Mateo**

- | <i>Mine I.D.</i> | <i>Mine Name (Operated By)</i>              |
|------------------|---|
| 91-41-0002       | Brisbane Quarry (California Rock & Asphalt) |
| 91-41-0003       | Langley Hill Quarry (Langley Hill Quarry)   |

- 91-41-0004 — Pescadero Quarry (San Mateo Co Public Works)  
 91-41-0005 — Pilarcitos Quarry (West Coast Aggregates)

**City of Pacifica**

*Mine I.D.      Mine Name (Operated By)*

- 91-41-0001 — Pacifica Quarry (William and Mary Bottoms)

**County of Santa Barbara**

*Mine I.D.      Mine Name (Operated By)*

- 91-42-0002 — Guadalupe Division (Gordon Sand Company)  
 91-42-0003 — Sisquoc (Hanson Agg Mid Pacific)  
 91-42-0004 — Parks Sand Pit (Parks Land & Cattle Co., Inc.)  
 91-42-0006 — Bee Rock Quarry (Granite Construction Company)  
 91-42-0007 — Lompoc Plant (Celite Corporation)  
 91-42-0009 — Tepusquet Quarry (G. Antolini & Son)  
 91-42-0011 — Acin Ranch Site 1 Acin Rnc (Sepulveda Building Materials L)  
 91-42-0014 — Sisquoc Mining Operation (Union Asphalt Inc.)  
 91-42-0016 — Buellflat Rock Company, Inc. (Buellflat Rock Co.)  
 91-42-0019 — Palos Colorados & Miguelito (Celite Corp)  
 91-42-0020 — Ellwood Ranch Quarry (Santa Barbara Sand)  
 91-42-0021 — El Jaro (Morrison Knudsen)  
 91-42-0022 — Buellton Pit (Granite Construction Company)  
 91-42-0023 — Ventucopa Plant (General Production Service, Inc.)  
 91-42-0024 — Gregersen Pit (Solvang Sand Co.)

**City of Santa Barbara**

*Mine I.D.      Mine Name (Operated By)*

- 91-42-0001 — Live Oak Shale Quarry (Daniels Equipment, Inc.)

**City of Santa Maria**

*Mine I.D.      Mine Name (Operated By)*

- 91-42-0025 — City of Santa Maria PWD (City of Santa Maria PWD)

**County of Santa Clara**

*Mine I.D.      Mine Name (Operated By)*

- 91-43-0001 — Curtner Products (Oliver de Silva, Inc.)  
 91-43-0002 — Serpa Pit (Raisch Company)  
 91-43-0003 — Azevedo Quarry (A. J. Raisch Paving Company)

- 91-43-0004 — Hanson Permanente Quarry (Hanson Permanente Cement)

- 91-43-0005 — Polak Pit Quarry (Granite Rock Company #22349)

- 91-43-0006 — Lexington Quarry (West Coast Aggregates, Inc.)

- 91-43-0007 — Stevens Creek Quarry Inc. (Stevens Creek Quarry Inc.)

- 91-43-0008 — Calaveras Quarry (C.W. Swenson, Inc.)

**County of Santa Cruz**

*Mine I.D.      Mine Name (Operated By)*

- 91-44-0001 — Olive Springs Quarry (Olive Springs Quarry, Inc.)  
 91-44-0002 — Felton Plant (Hanson Aggregates-Mid Pacific)  
 91-44-0003 — Felton Quarry (Granite Construction Company)  
 91-44-0004 — Olympia (RMC Pacific Materials)  
 91-44-0005 — Bonny Doon Limestone & Shale Q (RMC Pacific Materials)  
 91-44-0006 — Wilder Sand Plant (Granite Rock Company #22349)  
 91-44-0007 — Quail Hollow Quarry (Granite Rock Co.)  
 91-44-0008 — Cabrillo Sand & Gravel (Cabrillo Sand & Gravel)

**County of Shasta**

*Mine I.D.      Mine Name (Operated By)*

- 91-45-0001 — Mountain Gate Limestone Quarry (Mountain Gate Limestone Quarry)  
 91-45-0004 — Anderson Cottonwood Concrete (Anderson Cottonwood Concrete P)  
 91-45-0005 — Jack Rabbit Flat Lava Rock (Fruit Growers Supply Company)  
 91-45-0006 — Brush Mountain (Packway Materials, Inc.)  
 91-45-0007 — Wilcox Processing Plant (Packway Materials, Inc.)  
 91-45-0010 — Burney D.E. Pit (Calaveras Cement Company)  
 91-45-0012 — Gray Rock Quarry (Calaveras Cement Company)  
 91-45-0013 — Falkenbury Quarry (Calaveras Cement Company)  
 91-45-0014 — Shea Sand & Gravel (J.F. Shea Co., Inc.)  
 91-45-0015 — Shaw Pit (J.F. Shea Co., Inc.)  
 91-45-0016 — Hinds Pit (J.F. Shea Co., Inc.)  
 91-45-0017 — Fawndale Rock Quarry (J.F. Shea Co., Inc.)

- 91-45-0018 — Dicalite Corporation (Dicalite Corporation)
- 91-45-0020 — Brush Mountain Cinder Pit (Shasta County)
- 91-45-0021 — Crystal Creek Aggregate (Crystal Creek Aggregate, Inc.)
- 91-45-0022 — Blue Sand Pit (Shasta County Public Works)
- 91-45-0023 — Bear Gulch Limestone Quarry (Bear Gulch Enterprises, Inc.)
- 91-45-0024 — Braden Sand Pit (Hat Creek Construction, Inc.)
- 91-45-0025 — B & S 2 (Westside Aggregate)
- 91-45-0026 — Washington Mine (Lion Trail Minerals, Inc.)
- 91-45-0027 — Cow Creek Pit (Garrett E. Brown)
- 91-45-0028 — Black Butte Cinders (Black Butte Cinders)
- 91-45-0029 — Oak Run Quarry (L.W. Hall Company Inc.)
- 91-45-0030 — Pocket Hill Mine (Crystal Creek Agg, Inc.)
- 91-45-0036 — B&S Cinders (Westside Aggregate)
- 91-45-0040 — Eagle Crest (Brian Burk)
- 91-45-0042 — Ben Bridge Allotment (Volcano Rock, Inc.)
- 91-45-0043 — Moore Sand & Gravel (Anderson Cottonwood Concrete)
- 91-45-0045 — Brush Mountain Fruit Growers (Hat Creek Construction, Inc.)
- 91-45-0046 — Happy Valley Gravel (Happy Valley Gravel Co.)
- 91-45-0047 — Blacks Mine (Northstate Asphalt, Inc.)
- 91-45-0049 — Hidden Valley Aggregate (Packway Materials, Inc.)
- 91-45-0051 — Gray Rocks South (Calaveras Cement Company)
- 91-45-0052 — Eastside Aggregates (Hat Creek Construction, Inc.)

**City of Redding**

*Mine I.D.      Mine Name (Operated By)*

- 91-45-0019 — Aggregate Products (J.F. Shea Co., Inc.)
- 91-45-0039 — Swarts Mine (Westside Aggregates)

**County of Sierra**

*Mine I.D.      Mine Name (Operated By)*

- 91-46-0001 — Dana Park Decomposed Granite Pit (Alton A. Jack)
- 91-46-0002 — Regular Baptist Camp, Inc. (Regular Baptist Camp, Inc.)

- 91-46-0003 — Sixteen To One Mine (Original Sixteen To One, Inc.)

- 91-46-0007 — Cole Cash (Janet Cummings)
- 91-46-0010 — Webber Pit (P.T.L. Trans.)
- 91-46-0012 — Taber Mine (Ancient Channel Mining Co.)
- 91-46-0013 — Borrow Pit (Sierra Pacific Industries)

**County of Siskiyou**

*Mine I.D.      Mine Name (Operated By)*

- 91-47-0001 — Hart Quarry (Hart Cattle Company)
- 91-47-0002 — Silva Quarry (Bob Silva Excavation)
- 91-47-0005 — Wolford Pit (Siskiyou County Public Works)
- 91-47-0006 — Yellow Butte Pit (Siskiyou County Public Works)
- 91-47-0008 — L&C Livestock Pit (Siskiyou County Public Works)
- 91-47-0009 — Yreka Transit Mix, Inc. (Yreka Transit Mix, Inc.)
- 91-47-0010 — Rebecca & Deboy Mine (BSB Cinder Company)
- 91-47-0011 — Hyytinen Mine Claim (Glass Mountain Pumice, Inc.)
- 91-47-0013 — Block Pumice 1-4 Claims (Echo Mountain Stone)
- 91-47-0014 — Moore's Gravel (Moore's Gravel)
- 91-47-0015 — Springhill Mine (Sousa Ready Mix, Inc.)
- 91-47-0016 — Upton Mine (Sousa Ready Mix, Inc.)
- 91-47-0018 — Tschopp Kidder Creek Quarry (Frontier Construction)
- 91-47-0019 — Hopkins Pit (J.F. Shea Co., Inc.)
- 91-47-0023 — Shastalite Cinder Mines (Shastalite Cinder Mines)
- 91-47-0024 — Cherry Creek Placer (Tyler Mines)
- 91-47-0025 — JJJ-Ranch (Dave Biondi)
- 91-47-0026 — Dennis York (Dennis York)
- 91-47-0027 — McLaughlin Quarry (Tschopp Excavating)
- 91-47-0032 — Lynn & Coe (Frontier Construction)
- 91-47-0033 — Dunlap (7D) Ranch (Yreka Transit Mix Concrete)
- 91-47-0035 — Stinnett Pit (Siskiyou County Public Works)
- 91-47-0037 — Truax Quarry (Kiewit Pacific Co.)
- 91-47-0039 — M1 South Pit (Hitchcock Construction)
- 91-47-0041 — Ager Gravel Pit (Pearl A. Spencer)
- 91-47-0043 — Cherry Flats (Eddie Conner)
- 91-47-0045 — Hurlimann/Johnson (Mark Johnson)



91-47-0051 — Graystone Mine (Nathan & Shirley Hammond)  
 91-47-0052 — River Ranch Mine (Tim Louie Construction)  
 91-47-0054 — Indian Creek Pit (Frontier Construction)  
 91-47-0056 — Truck Village (Keith Darrah)  
 91-47-0059 — Williams Pit (Frontier Construction)

**City of Montague**

*Mine I.D.      Mine Name (Operated By)*

91-47-0048 — West Pit (Frontier Constructin)

**County of Solano**

*Mine I.D.      Mine Name (Operated By)*

91-48-0002 — Lake Herman Quarry (Syar Industries, Inc.)  
 91-48-0003 — Potrero Hills Landfill (Potrero Hills Landfill)  
 91-48-0004 — Potrero Hills Quarry (OEA Aerospace Inc.)  
 91-48-0005 — Goodyear Quarry (Parish Pit) (Syar Industries, Inc.)  
 91-48-0006 — Tule Vista Livestock Co. (Tule Vista Livestock Co.)  
 91-48-0007 — Decker Island Sand Harvesting (Mega Sand, Inc.)  
 91-48-0008 — Panoche Borrow Areas (IT Corporation)  
 91-48-0009 — Asta Sand Pit (Asta Construction Co.)

**County of Sonoma**

*Mine I.D.      Mine Name (Operated By)*

91-49-0003 — Windsor III (Hanson Aggregates-Mid Pacific)  
 91-49-0004 — Canyon Rock Co., Inc. (Canyon Rock Co., Inc.)  
 91-49-0005 — Ielmorini Quarry (North Bay Construction, Inc.)  
 91-49-0006 — Stony Point Rock Quarry (Stony Point Rock Quarry, Inc.)  
 91-49-0007 — Cheney Gulch Quarry (Stony Point Rock Quarry, Inc.)  
 91-49-0008 — Sonoma Rock Company (C.R. Federick Inc.)  
 91-49-0009 — Nuns Canyon Quarry (Nuns Canyon Quarry, Inc.)  
 91-49-0012 — Petaluma Quarry (Dutra Materials)  
 91-49-0013 — DeWitt Sand & Gravel (Jerry DeWitt Trucking, Inc.)  
 91-49-0021 — Lakeville Quarry (Ghilotti Brothers Construction)  
 91-49-0030 — Healdsburg Terrace (Grace Ranch) (Syar Industries, Inc.)

91-49-0032 — Mark West Quarry (Mark West Quarry)

91-49-0034 — Bohan & Canelis-Austin Creek (Bohan & Canelis)  
 91-49-0038 — Spaletta Quarry (Spaletta Quarry)  
 91-49-0042 — Zamaroni Quarry, Inc. (Zamaroni Quarry, Inc.)  
 91-49-0043 — Blue Rock Company (Blue Rock Company)  
 91-49-0044 — Brooks Quarry (Wesley A. Brooks)  
 91-49-0045 — Stony Point Rock Quarry Sonoma (Cheney Gulch Quarry)  
 91-49-0047 — Trinity Quarry (Gordenker Turkey Farms, Inc.)  
 91-49-0051 — Windsor/Mariani I (Hanson Aggregates-Mid-Pacific)  
 91-49-0052 — Twin Bridges (Gualala Aggregates, Inc.)  
 91-49-0053 — Naco-West, et al. (Shamrock Materials, Inc.)  
 91-49-0054 — Windsor Master Rec Plan (Hanson Agg Mid-Pacific)  
 91-49-0056 — Healdsburg Terrace Phase III (Syar Industries, Inc.)  
 91-49-0057 — Windsor/Vimark (Kaiser Sand & Gravel Co.)  
 91-49-0058 — Healdsburg Terrace Phase IV (Syar Industries, Inc.)  
 91-49-0059 — Central Landfill Rock Excavati (Stony Point Rock Quarry, Inc.)  
 91-49-0060 — Healdsburg Terrace Phase V (Syar Industries, Inc.)

**County of Stanislaus**

*Mine I.D.      Mine Name (Operated By)*

91-50-0003 — Warner (Calaveras Materials, Inc.)  
 91-50-0005 — OHE's Sand & Gravel (OHE's Sand & Gravel)  
 91-50-0006 — Waterford Plant (Santa Fe Aggregates, Inc.)  
 91-50-0007 — LaGrange Plant (Santa Fe Aggregates, Inc.)  
 91-50-0008 — Frank B. Marks & Son, Inc. (Frank B. Marks & Son, Inc.)  
 91-50-0009 — Cree Ranch Pit (Calaveras Materials, Inc.)  
 91-50-0010 — LaGrange Pit (George Reed, Inc.)  
 91-50-0012 — Ardis Pit (George Reed, Inc.)  
 91-50-0013 — Roberts Ferry (7-11 Materials)  
 91-50-0014 — Waterford Pit (7-11 Materials)  
 91-50-0016 — Reed Waterford Pit (George Reed, Inc.)

- 91-50-0018 — Schmidt Pit (Calaveras Materials, Inc.)  
 91-50-0019 — De Martini Mine (James De Martini)  
 91-50-0021 — Green Pit (West Coast Aggregates)  
 91-50-0022 — 7/11 Materials Pit (7/11 Materials, Inc.)  
 91-50-0023 — Ohe Sand & Gravel (Mike Ohe)

**County of Sutter**

*Mine I.D.      Mine Name (Operated By)*

- 91-51-0001 — Butte Sand & Gravel (Butte Sand & Gravel)  
 91-51-0002 — Bihlman Pit (Bihlman Pit)  
 91-51-0003 — West Butte Aggregate (West Butte Aggregate)  
 91-51-0004 — Reclamation District, Pit #1 (Reclamation District 1001)  
 91-51-0006 — Butte Ranch Borrow Site (Butte Sand and Gravel)

**County of Tehama**

*Mine I.D.      Mine Name (Operated By)*

- 91-52-0002 — Carmichael Rock Quarry (Carl J. Woods Construction Co.)  
 91-52-0003 — Fox Sand and Gravel (Fox's Sand & Gravel)  
 91-52-0005 — Dibble Creek (Tehama Asphalt Processing, Inc.)  
 91-52-0006 — Thomes Creek Rock, Inc. (Thomes Creek Rock, Inc.)  
 91-52-0008 — Red Bluff Rock/Thomes Creek (Red Bluff Rock)  
 91-52-0010 — Nicol Pit #103 (Tehama County)  
 91-52-0012 — Eaton Pit #100 (Tehama County)  
 91-52-0013 — Schmitt Pit #1 (Tehama County)  
 91-52-0014 — Nicol Pit #88 (Tehama County)  
 91-52-0015 — Doyle Ranch Pit #17 (Tehama County)  
 91-52-0016 — Cottonwood Creek (Cottonwood Cr. Sand & Gravel)  
 91-52-0017 — Leininger (Ben's Truck & Equipment, Inc.)  
 91-52-0019 — Amen Pit #104 (Tehama County)  
 91-52-0022 — Paynes Creek Cinder Pit (Tehama County)  
 91-52-0023 — Dye Creek Quarry (Nordic Industries, Inc.)  
 91-52-0024 — H.L. Rodney Cinders (H.L. Rodney Cinders)  
 91-52-0025 — Hub Johnson PT (Ben's Truck Equipment, Inc.)  
 91-52-0027 — Hooker Creek (Westside Aggregate)  
 91-52-0028 — Deer Creek Rock (Deer Creek Rock)

- 91-52-0031 — James E. Byrne (James E. Byrne)  
 91-52-0032 — Fishman Pit (Thomes Creek Rock, Inc.)  
 91-52-0033 — Endicott (Endicott Trucking)  
 91-52-0034 — Pine Creek (Ben's Truck & Equipment, Inc.)  
 91-52-0035 — Long Ranch Quarry (Coyote Rock Products)  
 91-52-0037 — Stromer Pit (Valley Rock Prod., Inc.)  
 91-52-0038 — Anderson Brothers Corp. (Anderson Brothers Corp.)

**County of Trinity**

*Mine I.D.      Mine Name (Operated By)*

- 91-53-0002 — Dinsmore Bar (Mercer, Fraser Company)  
 91-53-0006 — Riley Placer Mine (Lewiston Mining Company)  
 91-53-0007 — LaGrange Mine (Eagle Rock, Inc.)  
 91-53-0012 — Blue Rock Co. (Don Wesner)  
 91-53-0014 — Blue Rock Quarry (Roy E. Ladd, Inc.)  
 91-53-0015 — Smith Tailings @ Junction City (Weaver City Construction)  
 91-53-0017 — Island Mountain Quarry (North Coast Railroad Authority)  
 91-53-0018 — Bully Choop Mine (Canadian Reserve, Inc.)  
 91-53-0020 — Jackson Ranch Placer Gold Mine (C&M Minerals)  
 91-53-0021 — Blue Rock Quarry-2 (Roy E. Ladd, Inc.)  
 91-53-0023 — Hinman Mine (Concrete Aggregate Products)  
 91-53-0024 — Oswald Mine (MP, Inc.)  
 91-53-0025 — Ruth Mine (County Dept. of Transportation)

**County of Tulare**

*Mine I.D.      Mine Name (Operated By)*

- 91-54-0001 — Porterville Ready Mix Sand Co. (PRM Sand Co.)  
 91-54-0002 — Lee Gill Granite Pit (Mitch Brown Gen. Eng.)  
 91-54-0005 — Britten Granite Pit (L.E. Britten Construction)  
 91-54-0006 — Kaweah River Rock (Kaweah River Rock Company, Inc.)  
 91-54-0007 — Lemon Cove (RMC Pacific Materials)  
 91-54-0009 — Ledbetter Borrow Pit (Edward Hunsaker)

91-54-0011 — Hunsaker Granite (Willima Hunsaker Granite)  
 91-54-0012 — Tulare Valley Rock/Dry Creek (Artesia Ready Mix Concrete)  
 91-54-0013 — Lemoncove Granite Pit (Lemoncove Granite Pit)  
 91-54-0015 — Tescon (Halopoff & Sons, Inc.)  
 91-54-0016 — Fountain Springs Quarry (Desert Aggregates, Inc.)  
 91-54-0017 — Desert Agg Terra Bella (Desert Aggregates, Inc.)  
 91-54-0019 — Deer Creek Ranch (Shan King)  
 91-54-0021 — Deer Creek Quarry (Desert Aggregates, Inc.)  
 91-54-0022 — Tule River/Success Dam (Mitchell Brown Gen. Eng., Inc.)  
 91-54-0023 — Hershey Pit (Tulare Co. Public Works Dept.)  
 91-54-0024 — Galasso Pit (Tulare Co. Public Works Dept.)  
 91-54-0025 — Chrisman Pit (Tulare Co. Public Works Dept.)  
 91-54-0026 — Travioli Granite (Dunn's Sand, Inc.)  
 91-54-0027 — Muller Granite (A.J. Muller)  
 91-54-0028 — Boydston Mine (Mitchell Brown Gen. Eng., Inc.)  
 91-54-0031 — Weisenberger Pit (Mitchell Brown Gen. Eng., Inc.)

**County of Tuolumne**

<i>Mine I.D.</i>	<i>Mine Name (Operated By)</i>
91-55-0001	Jamestown Mine (Tuolumne County)
91-55-0002	Blue Mountain Minerals (Blue Mountain Minerals)
91-55-0003	Sierra Rock Products, Inc. (Sierra Rock Products, Inc.)
91-55-0004	Pine Mountain Quarry (William G. Crook)
91-55-0005	Table Mountain Quarry (George Reed, Inc.)
91-55-0006	Columbia Quarry (Blue Mountain Minerals)
91-55-0007	Rainbow Quarry (Montezuma Aggregates, Inc.)

**County of Ventura**

<i>Mine I.D.</i>	<i>Mine Name (Operated By)</i>
91-56-0001	Ridgelite (Pacific Custom Mtrls, Inc.)
91-56-0004	Ventura River (Hanson Agg-West, Inc.)
91-56-0006	Briggs Road (Hanson Agg-West, Inc.)

91-56-0007 — El Rio (Hanson Agg-West, Inc.)  
 91-56-0008 — Saticoy (Hanson Agg-West, Inc.)  
 91-56-0009 — Grimes Canyon Quarry/Red Rock (Best Rock)  
 91-56-0010 — Grimes Canyon Quarry (Best Rock Products)  
 91-56-0013 — Sespe Rock Quarry (Blue Star Materials)  
 91-56-0014 — Moorpark (Cemex Inc.)  
 91-56-0015 — Tapo Rock and Sand, Inc. (Tapo Rock and Sand, Inc.)  
 91-56-0016 — Cuyama Gypsum Deposit (Calaveras Cement Company)  
 91-56-0021 — Tapo Canyon Mine (P.W. Gillibrand Co./CZS Corp.)  
 91-56-0022 — Fruitvale (Southdown CA Agg)  
 91-56-0024 — Rose Avenue-Saticoy (CalMat Co.)  
 91-56-0025 — The Ojai Quarry (Schmidt Construction, Inc.)  
 91-56-0026 — El Rio-Plant (Hanson Agg West, Inc.)  
 91-56-0027 — Briggs Road-Plant (Sully-Miller Contracting Company)  
 91-56-0028 — Wayne J. Sand & Gravel (Wayne J. Sand & Gravel, Inc.)  
 91-56-0029 — Toland Park (County of Ventura)  
 91-56-0030 — Grimes Canyon Clay Removal (Santa Clara Valley Ag. Dev. Co.)  
 91-56-0032 — Grimes Rock (Grimes Rock, Inc.)  
 91-56-0033 — Ozena Valley Ranch (Ozena Valley Ranch)

**County of Yolo**

<i>Mine I.D.</i>	<i>Mine Name (Operated By)</i>
91-57-0002	Woodland Plant (Teichert Aggregates)
91-57-0006	Schwarzgruber & Sons, Inc. (Schwarzgruber & Sons, Inc.)
91-57-0008	Off-Channel (Solano Concrete Co., Inc.)
91-57-0010	Woodland Facility (Granite Construction Company)
91-57-0011	Esparto-Reiff Property (Teichert Aggregates)
91-57-0012	Woodland Properties (Teichert Aggregates)
91-57-0014	Capay (Granite Construction)
91-57-0015	Cache Creek Off-Channel (Syar Industries, Inc.)

**County of Yuba**

<i>Mine I.D.</i>	<i>Mine Name (Operated By)</i>
91-58-0001	Western Aggregates, Inc. (Western Aggregates, Inc.)

- 91-58-0002 — Hallwood Pit (Baldwin Contracting Co., Inc.)
- 91-58-0003 — Cal Sierra Development, Inc. (Cal Sierra Development)
- 91-58-0004 — Sperbeck Quarry (Carl J. Woods Construction Co.)
- 91-58-0005 — Linda Sand & Gravel (Linda Sand & Gravel)
- 91-58-0006 — Hallwood Plant (Teichert Aggregates)
- 91-58-0007 — Wheatland Mine (Gladding McBean)
- 91-58-0010 — Pearson Quarry (Ted Pearson)
- 91-58-0011 — Dantoni Road Pit (Triangle Engineering)
- 91-58-0013 — Parks Bar Quarry (Nordic Industries, Inc.)
- 91-58-0017 — YSDI Loma Rica Road (Yuba-Sutter Disposal, Inc.)
- 91-58-0019 — Yuba-Hofman (Teichert Aggregates)
- 91-58-0020 — Timbuctoo Mine (Dan Garcia Sand & Gravel)

**CALIFORNIA ENVIRONMENTAL  
PROTECTION AGENCY  
DEPARTMENT OF TOXIC  
SUBSTANCES CONTROL**

**Notice of Intent to Certify**

**Hazardous Waste Environmental Technologies**

The California Environmental Protection Agency, Department of Toxic Substances Control (DTSC) intends to certify the following company's hazardous waste environmental technology:

**Applicant:** ABB Power T&D Systems, Inc.  
2135 Philpott Road  
South Boston, Virginia 24592

**Technology:** BIOTEMP® Vegetable Oil-Based Insulating Dielectric Fluid

Chapter 412, Statutes of 1993, Section 25200.1.5, Health and Safety Code, enacted by Assembly Bill 2060 (AB 2060 by Assemblyman Ted Weggeland) authorizes DTSC to certify the performance of hazardous waste environmental technologies. The purpose of the certification program is to provide an in-depth, independent review of technologies at the manufacturers' level to facilitate regulatory and end-user acceptance. Only technologies that are determined to not pose a significant potential hazard to the public health and safety or to the environment when used under specified operating conditions may be certified. Incineration technologies are explicitly excluded from the certification program.

DTSC makes no express or implied warranties as to the performance of the manufacturer's product or equipment. The end-user is solely responsible for

complying with the applicable federal, state, and local regulatory requirements. Certification does not limit DTSC's authority to require additional measures for protection of public health and the environment.

By accepting certification, the manufacturer assumes, for the duration of certification, responsibility for maintaining the quality of the manufactured equipment and materials at a level equal to or better than was provided to obtain certification and agrees to be subject to quality monitoring by DTSC as required by the statute under which certification is granted.

DTSC's proposed decision to certify is subject to public review and comment. Written comments must be received by DTSC no later than 30 days after publication of this notice. All comments will be considered and appropriate changes will be made prior to publishing DTSC's final decision.

Additional information supporting DTSC's proposed decision, including the **October 2001** Draft Environmental Technology Verification Report, is available for review at, and comments should be mailed to:

California Environmental Protection Agency  
Department of Toxic Substances Control  
Office of Pollution Prevention and Technology Development  
P.O. Box 806  
1001 I Street, 12th Floor  
Sacramento, California 95812-0806  
Attn: Suzanne Davis (916) 327-4206

A description of the technology to be certified, the **proposed** certification statement and the certification conditions and limitations for the technology of the company listed above follows. DTSC emphasizes that this is a proposed certification for public comment, and not the final certification.

**30-DAY PUBLIC NOTICE  
CERTIFICATION PROGRAM (AB 2060)  
FOR HAZARDOUS WASTE  
ENVIRONMENTAL TECHNOLOGIES**

**PROPOSED CERTIFICATION  
BIOTEMP® VEGETABLE OIL-BASED  
INSULATING DIELECTRIC FLUID**

**Technology:** BIOTEMP® Vegetable Oil-Based Insulating Dielectric Fluid

**Manufacturer:** ABB Power T&D Systems, Inc.  
2135 Philpott Road  
South Boston, Virginia 24592

**TECHNOLOGY DESCRIPTION**

The BIOTEMP® Vegetable Oil-Based Insulating Dielectric Fluid (BIOTEMP®), developed by ABB Inc.(ABB), is a vegetable oil-based dielectric fluid comprised of greater than 98.5% vegetable oil and less



than 1.5% antioxidants. The product may use up to three different antioxidants to prevent unsaturated bonds in the oil from polymerizing with oxygen. The vegetable oil used in BIOTEMP® is manufactured off-site in a four-step process: crushing and refining, bleaching, deodorizing, and winterizing. The oil is extracted from crushed seeds using a solvent such as hexane. As part of the bleaching process, the oil is subject to a clay treatment to remove polar contaminants. Next, the oil is deodorized using steam distillation to remove unwanted volatile compounds. The last step, winterizing, involves chilling the oil to remove excessive saturates. The vegetable oil is then blended with the antioxidants per ABB's product specifications. ABB is currently using blending equipment at their South Boston, Virginia facility to oversee and control this portion of the process.

BIOTEMP® is used in liquid-filled electrical transformers as an electrical insulating medium. The main parts of a transformer are the core, the windings, the tank containing the core and windings, and the cooling system. The core is made of thin steel sheet laminates which are coated with an oxide film to insulate the sheets from each other. Two distinct sets of coils called windings are placed upon the core at a suitable distance from each other. These windings consist of wire insulated with a paper covering. When the transformer is in-service, the oil and core expands and contracts as the heat generated by the transformer windings varies with the load. As the oil becomes heated, the hot oil rises to the top of the transformer where heat is dissipated to the outside, and then moves along the case to the bottom. Fins are sometimes attached to deflect moving air against the case and to increase the cooling area. Overheating the core can lead to damage, and overheating the windings can cause the insulation to deteriorate, which reduces the life of the transformer.

## BASIS FOR CERTIFICATION

### *Evaluation Approach*

The BIOTEMP® evaluation was designed to provide the data necessary to draw conclusions on the fluid's performance, chemical composition, toxicity, and safety. The evaluation included a review of supporting documents, information, and laboratory data submitted by ABB, and field sampling to provide independent data on the technology's performance, chemical composition, and toxicity.

The field sampling was conducted at ABB's manufacturing facility in South Boston, Virginia and at Pacific Gas and Electric's (PG&E) in-service transformers in San Francisco, California. PG&E is an ABB customer and agreed to provide staff and access to three in-service transformers as part of the field sampling activities. Prior to the field sampling, DTSC

prepared a Technology Evaluation Workplan (Workplan) to identify specific field objectives, data quality objectives, testing procedures, and roles and responsibilities. ABB assumed overall responsibility for obtaining access to all locations where field sampling was conducted. DTSC staff provided independent oversight and were present to observe all field sampling activities.

The oldest transformer in-service using BIOTEMP® as the dielectric insulating fluid is 2.5 years old. Since the technology is still new, no data was available to assess the long-term transformer performance and waste characteristics of BIOTEMP® fluid at the end of its service life. Based on historical accelerated life testing results per American National Standards Institute (ANSI)/ Institute of Electrical and Electronic Engineers (IEEE) C57.100-1986, a transformer using BIOTEMP® is estimated to last 20 years which is comparable to a mineral oil-based transformer.

### *Verification Objectives*

The verification/certification objectives were to verify the applicant's technology performance claims listed below.

- **Verification/Certification Claim #1—General Performance:** In the following composition ratio (98.5% vegetable oil, 1.5% additives), BIOTEMP® meets criteria for oxidative, thermal, and chemical stability, as measured by Oil Qualification Tests—ASTM D3487 (Mineral Oil) and ASTM D5222 (High Temperature Hydrocarbons).
- **Verification/Certification Claim #2—Aquatic Biodegradability:** BIOTEMP® biodegrades 97% in 21 days, based on the average of several performance tests as measured by the Coordinating European Council (CEC) Test Method CEC-L-33-A-93.
- **Verification/Certification Claim #3—Flammability:** BIOTEMP® has a Flash Point of at least 300°C, and a minimum Fire Point of 300°C, based on the average of several performance tests as measured by ASTM D92 (Cleveland Open Cup).
- **Verification/Certification Claim #4—Acute Toxicity:** The virgin BIOTEMP® product passes the toxicity characteristic criteria in Code of California Regulations, Title 22, Section 66261.24(a)(6) based on U.S. EPA/600/4-90/027F Test for Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms.
- **Other Verification/Certification Tests:** Verify that BIOTEMP® consists of greater than 98.5% vegetable oil and less than 1.5% antioxidant and color additives; the formulator is meeting selected ABB

purchase specifications; establish a baseline for measuring potential metals leaching and oil degradation of BIOTEMP® under electrical loading over time; evaluate the worker health and safety aspects of BIOTEMP®; and estimate costs of using BIOTEMP® as compared to those of mineral oil.

#### *Verification Activities and Results*

As part of this verification/certification, DTSC developed a technology evaluation workplan which described the sample collection procedures and analyses performed. Samples were collected under DTSC oversight to ensure the samples were independent and representative. All samples were assigned a field sample identification number which was determined prior to sampling. Proper chain of custody and storage procedures were followed. Four different laboratories were used to analyze the collected samples: Doble Engineering for the American Standard Testing Methods (ASTM) methods, Krueger Food Laboratories for the Association of Analytical Chemists (AOAC) methods, DTSC Hazardous Materials Laboratory (HML) for the semi-volatile organic compounds (SVOCs) and metals analyses, Associated Laboratories for the fish bioassay (acute toxicity) tests, and Powertech Laboratories for the aquatic biodegradability tests. Each laboratory sent data and reports directly to DTSC.

Four samples from three different virgin product lots (a total of twelve samples) were collected at ABB's manufacturing facility in South Boston, Virginia. Two lots were contained in 55-gallon drums while the third lot was contained in a 250-gallon tank. Barrel samples were collected using a glass Coliwas. A new glass Coliwas was used at each new barrel sampled to reduce the potential of cross contamination between samples. The composite tank samples were collected at a sampling spigot located at the bottom of the tank. Approximately one pint of oil was drained from the tank via the spigot prior to sampling.

Three samples, one from each lot, were analyzed by the following methods: EPA Method 8270/3520 for SVOCs; EPA Method 6010/5030 for metals; U.S. EPA Method 600/4-90/027F for acute toxicity; U.S. EPA Method OPPTS 835.3110 for aquatic biodegradation; AOAC Method 981.11, Oils and Fats; AOAC Method 972.28, Total Fatty Acids in Oils and Fats; AOAC Method 963.22, Methyl Esters of Fatty Acids in Oils and Fats; AOAC Method 983.15, Phenolic Antioxidants in Oils, Fats, and Butter; AOAC Method 977.17, Polymers and Oxidation Products of Vegetable Oil; ASTM Method D92, flash and fire point; ASTM Method D97, pour point; ASTM Method D445, kinematic viscosity at 0°C, 40°C, and 100°C; ASTM Method D877, dielectric breakdown (minimum); ASTM Method D1816, dielectric breakdown (gap 1.0

mm); ASTM Method D3300, dielectric breakdown (impulse); ASTM Method D924, dissipation factor at 25°C and 100°C; ASTM Method D2440, oxidation stability at 72 and 164 hours; ASTM Method D2112, oxidation stability (rotary bomb); and ASTM Method D1533, water content. One duplicate was analyzed for SVOCs, metals, and the AOAC and ASTM methods listed above. Two matrix spikes and an equipment blank were analyzed for SVOCs and metals. A field blank was analyzed for metals only. Six additional samples were also analyzed using the same ASTM methods except for the kinematic viscosity, which was only measured at 40°C.

Virgin product samples collected as part of this verification/certification were from lots produced by ABB's off-site blender. Since BIOTEMP® was blended off-site, ABB was not able to continuously monitor the blending of antioxidants into the oil and make adjustments based on atmospheric conditions such as humidity. Lots blended at ABB's South Boston facility were not available for this sampling event since ABB was completing installation and testing of their on-site blending equipment.

Four different in-service transformers were also sampled as part of this verification/certification: one owned by ABB located in South Boston, Virginia, and three owned by PG&E in San Francisco, California. The sampled transformers were in service for at **least one year** and part of a regular sampling/testing environment. In-service fluid samples were collected by ABB and PG&E representatives under DTSC oversight and in conjunction with PG&E's on-going sampling program. Only one sample per transformer was collected to minimize the amount of fluid removed from each transformer and the impact to the ongoing test program. New Tygon tubing connectors were used at each transformer fluid sampling port to reduce the potential of cross contamination.

The transformer pressure gauge is checked to confirm the unit is under positive pressure prior to sampling. A sampling syringe with Tygon tubing and a T-shaped sampling valve is attached to the sampling port. The T-shaped sampling valve is set to allow oil to flow through a purge line, which bypasses the sampling syringe. The sampling port valve is cracked open and oil is purged through the Tygon tubing, sampling valve, and purge line. After a few pints of oil have been purged through the line, the sample bottles are filled.

The in-service transformer samples were analyzed using the same methods listed for the virgin product samples for SVOCs, metals, and the AOAC analyses. To minimize the amount of fluid removed from each transformer, the in-service transformer samples were only tested by ASTM Method D924 for dissipation factor at 25°C, by ASTM D92 for flash and fire point,

by ASTM Method D1533 for water content, and by ASTM Method D4308 for conductivity.

DTSC staff also reviewed internal product development testing data provided by ABB. These data were collected as part of ABB's ongoing internal testing prior to entry into the verification/certification agreement. Historical data collected by independent testing facilities under contract with ABB were also used. These data provided background information on the technology performance for past virgin lots and indicated trends on the fluid's performance in tested transformers for select ASTM parameters.

#### 1. General Performance

BIOTEMP® was tested for select physical, chemical, thermal, and dielectric properties to verify general performance claims listed in ABB's product specifications. Since no standard suite of general performance tests exist for vegetable oil-based dielectric fluids, two ASTM specifications developed for mineral oils (ASTM D3487) and high temperature hydrocarbons (HTH)(ASTM D5222) were used. According to ABB, BIOTEMP® had similar dielectric and oxidation properties to those for mineral oil and HTH fluid. For the in-service transformer samples, results were compared to International Electrochemical Commission (IEC) 1203 specification for in-service synthetic organic esters since BIOTEMP® has similar fluid characteristics when in use. Results for the thermal properties are discussed under the flammability verification claim. Data variability reported for the virgin product results were calculated at a 95% confidence.

#### Virgin Product Performance Results

##### *Dielectric Properties (or Dielectric Strength)*

Dielectric breakdown and dissipation factor are the basic properties used to evaluate a dielectric fluid's performance. The minimum, gap, and impulse dielectric breakdown voltage was determined for BIOTEMP® along with the dissipation factor at 25°C and 100°C.

##### Dielectric Breakdown

The minimum and gap dielectric breakdown tests measure the minimum voltage required to cause arcing between two submerged electrodes in a dielectric fluid. A low value may indicate the presence of water, dirt, or other electrically conductive particles in the oil which may cause damage to the transformer core or windings due to arcing. The minimum and gap dielectric breakdown values for the virgin BIOTEMP® samples averaged 50 kilovolt (kV)  $\pm$  3 kV, and 37 kV  $\pm$  2 kV, respectively. These values were higher than the lowest value specified for the minimum and gap dielectric breakdown voltages for all three specifications.

The impulse dielectric breakdown value is designed to determine the minimum voltage to cause arcing in the fluid under lightning or power surge conditions. Of the ten samples analyzed, six samples had voltages ranging from 214 kV to 226 kV, which were higher than the minimum voltage listed under ASTM D3487 of 145 kV. The other four samples had voltages ranging from 130 kV to 136 kV. All ten samples exceeded the ABB minimum voltage specification of 100 kV. The percent difference between sample results collected from the same barrel and the same lot but analyzed at different points in time was between 48% and 54%. The percent difference for samples from the same barrel, same lot, and analyzed at the same point in time, was 3%. These large variations in the sample results from the same drum and lot suggest inherent inaccuracies within the method and possible quality issues associated with Doble.

##### Dissipation Factor

The dissipation factor is used to measure the dielectric losses to an insulating dielectric fluid (such as oil) when it is exposed to an alternating electric field. For ASTM Method D924, the dissipation factor is determined by passing an alternating electric current through a test cell filled with dielectric fluid and measuring the capacitance with an electronic bridge circuit. This value is used to control the product quality, and to determine changes in the fluid due to contamination or degradation during use. A low dissipation factor indicates a low dielectric loss and a low contaminant concentration (e.g., dirt, water, or metals).

The ten sample results had dissipation factors averaging 0.075%  $\pm$  0.054% at 25°C, and 1.665%  $\pm$  0.762% at 100°C. Four sample results were much higher than the maximum dissipation value of 0.05% at 25°C for ABB and ASTM D3487 specifications, and 2.0% at 100°C for ABB specifications. None of the ten samples were found to meet the ASTM D5222 specification values of 0.01% at 25°C and 0.3% at 100°C, and the ASTM D3487 specification value of 0.3% at 100°C.

##### *Chemical Properties*

##### Oxidation Stability

Oxidation stability was originally designed to assess the amount of sludge and acid products formed in mineral transformer oils under specific test conditions. Good oxidation stability minimizes the formation of sludge and acid in order to maximize the service life of the oil. Oils that meet the requirements specified for ASTM Method D2440 tend to minimize electrical conduction, ensure acceptable heat transfer, and preserve system life. Per ASTM Method D2440, there is no proven correlation between performance in this



test and performance in service, since the test does not model the whole insulation system (oil, paper, enamel, wire). However, the test can be used as a control to evaluate oxidation inhibitors and to check the consistency of the oxidation stability of production oils.

The first oxidation stability tests on BIOTEMP® were performed per ASTM Method D2440 over a 72 hour period (the 72 hour test). After 72 hours, the ten sample results averaged  $0.02\% \pm 0.005\%$  for the percentage of sludge generated, and 0.17 milligram of potassium hydroxide per gram ( $\text{mg KOH/g} \pm 0.02 \text{ mg KOH/g}$ ) for the neutralization number. The average percentage of sludge generated met the ABB and D3487 specifications of less than or equal to ( $\leq$ ) 0.2% and  $\leq 0.1\%$ , respectively. The average neutralization number met the ABB and D3487 specifications of  $\leq 0.2 \text{ mg KOH/g}$  and  $\leq 0.3 \text{ mg KOH/g}$ , respectively.

Oxidation stability tests were also performed on BIOTEMP® per ASTM Method D2440 over a 164 hour period (the 164 hour test). The percentage of sludge generated averaged  $0.02\% \pm 0.01\%$  which met both the ABB and ASTM D3487 specifications of  $\leq 0.2\%$ . However, the neutralization number averaged  $19.02 \text{ mg KOH/g} \pm 1.85 \text{ mg KOH/g}$  and exceeded the maximum value for the ABB and ASTM D3487 specifications of  $0.5 \text{ mg KOH/g}$  and  $0.4 \text{ mg KOH/g}$ , respectively.

The oxidation stability of BIOTEMP® was also tested using ASTM Method 2112, oxidation stability by rotating bomb (the rotary bomb test). The rotary bomb test was developed as a rapid method for evaluating the consistency of the oxidation stability for a new mineral oil between shipments. Sample results averaged 117 minutes  $\pm 2$  minutes which did not meet the minimum ABB, ASTM D3487 and D5222 specification values of 200 minutes, 195 minutes, and 800–1,000 minutes, respectively.

#### Water Content

Water content is used by industry to monitor a dielectric fluid's quality. It is an indicator of possible oil deterioration which could adversely affect the oil's electrical properties such as dielectric breakdown. This value is based on the relative saturation of the water in the dielectric fluid. The relative saturation is based on the amount of water dissolved in the oil divided by the total amount of water the oil could hold at that temperature. The dielectric strength of oil starts to fall when saturation reaches about 50%. For petroleum based dielectric oils, 50% saturation at room temperature is 30–35 milligram per kilogram ( $\text{mg/kg}$ ). Synthetic esters and vegetable oil contain about 500–600  $\text{mg/kg}$  of water at room temperature and 50% saturation. A water content at or near 50% saturation may indicate the oil has deteriorated and may cause a

lower dielectric breakdown voltage which can damage the transformer core and windings.

The water content in the ten samples averaged 79 parts per million ( $\text{ppm} \pm 14 \text{ ppm}$ ) and were below the maximum ABB specification value of 150 ppm. The water content was observed to vary between barrels from the same lot which may be due to variability in the analytical method, atmospheric conditions at the time of testing, and sample storage conditions.

#### *Physical Properties*

##### Pour Point

The pour point indicates the lowest temperature at which an oil can be used. The average pour point for BIOTEMP® was  $-17^\circ\text{C} \pm 2^\circ\text{C}$ . Initially, four samples were analyzed and the pour point was measured at  $-21^\circ\text{C}$ . Six additional samples were analyzed at a later date with pour points all measured at  $-15^\circ\text{C}$ . The difference between the two sets of sample results may be due to a different operator conducting the tests. The pour points for all samples were within the ABB specification range of  $-15^\circ\text{C}$  to  $-25^\circ\text{C}$ .

##### Viscosity

The dielectric fluid's viscosity is used by transformer designers to confirm that the fluid is appropriate for the unit under certain operating conditions. The viscosity of BIOTEMP® was determined at  $0^\circ\text{C}$ ,  $40^\circ\text{C}$ , and  $100^\circ\text{C}$ . The viscosities at  $0^\circ\text{C}$ ,  $40^\circ\text{C}$ , and  $100^\circ\text{C}$  varied slightly between samples and averaged  $275.77 \text{ centistokes (cSt)} \pm 1.19 \text{ cSt}$ ,  $40.68 \text{ cSt} \pm 0.19 \text{ cSt}$ , and  $8.59 \text{ cSt} \pm 0.05 \text{ cSt}$ , respectively. These values were below the ABB maximum specification values of 300 cSt at  $0^\circ\text{C}$ , 45 cSt at  $40^\circ\text{C}$ , and 10 cSt, respectively.

##### In-service Transformer Fluid Results

The dissipation factor for all four transformer samples ranged from 0.082 % to 0.252% which were below the IEC 1203 maximum value of 0.8%. One sample had a higher dissipation factor and was observed to have an amber-orange color. This sample was collected from a transformer used by ABB for testing BIOTEMP® under extreme operating conditions such as overload scenarios. Historical results for this transformer showed a steady rise in the dissipation factor corresponding to overload scenarios. A comparison of historical in-service fluid results for the ABB transformer with the ABB virgin product specification shows the dissipation factors differ between 48 to 167% which indicates the oil may have a higher contaminant content due to use. The color and higher dissipation factor for the ABB transformer might indicate thermal decomposition of the fluid or possible oxidation.



The water content for the in-service transformer samples ranged from 15 ppm to 78 ppm which was below the IEC 1203 and ABB maximum value of 400 ppm and 100 ppm, respectively. Historical water contents for the ABB transformer were below the ABB maximum value for all but one point. When compared to the other transformer results, the higher water content results for INS-07 correspond to overload tests conducted by ABB.

The conductivity values ranged from 8.51 picosiemens per meter (pS/m) to 24.65 pS/m and were greater than the minimum value specified in the original ABB specification of 2.0 pS/m. ABB has since discontinued use of this specification since high conductivity values do not affect the oil's performance. IEC 1203 did not specify a conductivity value. Again, the higher conductivity values for INS-07 corresponds to overload tests and were probably the result of extreme operating conditions.

## 2. Aquatic Biodegradability

Three virgin BIOTEMP® samples were tested by the Coordinating European Council (CEC) test method CEC-L-33-A-93, which compares the biodegradation potential of BIOTEMP® against the standard oils specified in the test method. The average biodegradability of BIOTEMP® was  $99\% \pm 3\%$  at 95% confidence after 21 days. An earlier study by ABB showed 90% biodegradation after 21 days.

While mineral oil was not tested as part of this study, literature data were available on biodegradability using an older version of the CEC-L-33-A-93, a U.S. EPA method, and an Organization of Economic Cooperation and Development (OECD) method. The Universite de Liege study reported the biodegradability of mineral oil over 70% after 40 days using test method CEC-L-33-T-82. A U.S. Army Corp of Engineers document reported the biodegradation rates for conventional mineral oil ranged from 42–49% after 28 days using U.S. EPA Method 560/6/-82-003, Aerobic Aquatic Biodegradability. Another study by the Conservation of Clean Air and Water-Europe (CONCAWE) reported a ready biodegradation rate for a light naphthenic distillate mineral oil of 28% after 28 days when analyzed by OECD 301B, Sturm test. Both the U.S. EPA and OECD methods estimated the degree of biodegradability by the amount of carbon dioxide (CO<sub>2</sub>) produced and expressed this result as a percentage of the theoretical CO<sub>2</sub> which can be produced. These methods are not considered equivalent to CEC-L-33-A-93 but the data does indicate that mineral oil is not readily biodegraded.

Based on these results, the virgin BIOTEMP® fluid appears to biodegrade more readily than mineral oil. Although BIOTEMP® readily biodegrades per this test, releases to water should be prevented. The

product's ability to degrade in the environment is dependent on factors such as geography, pH, temperature, oxygen concentration, dispersal of oil, the presence of other chemicals, soil characteristics, nutrient quantities, and populations of various microorganisms at the location.

## 3. Flammability

The flash and fire point for virgin and in-service BIOTEMP® fluid were determined using ASTM Method D92, Cleveland Open Cup test. The flash point was measured to assess the overall flammability of the fluid and determine the presence of volatile or flammable material at elevated temperatures. The fire point was measured to determine the temperature at which the fluid could support combustion. These values were compared to ABB's specifications for BIOTEMP®. They were also compared to ASTM D3487 for flash point, and ASTM D5222 for fire point, which are designed for virgin mineral oil and HTH oil, respectively. The data variability was calculated at 95% confidence. The virgin product samples had flash and fire points averaging  $331^{\circ}\text{C} \pm 3^{\circ}\text{C}$  and  $360^{\circ}\text{C} \pm 1^{\circ}\text{C}$ , respectively. The in-service samples had flash and fire points ranging from  $328^{\circ}\text{C}$  to  $334^{\circ}\text{C}$  and  $362^{\circ}\text{C}$  to  $364^{\circ}\text{C}$ , respectively. These values met ABB and ASTM specifications with flash points greater than  $300^{\circ}\text{C}$  and  $145^{\circ}\text{C}$ , and fire points greater than  $300^{\circ}\text{C}$  and within 304 to  $310^{\circ}\text{C}$ , respectively.

The fire point results agreed with those obtained by Underwriters Laboratory (UL) and the Factory Mutual Research Corporation (FMRC) of  $354^{\circ}\text{C}$  and  $360^{\circ}\text{C}$ , respectively. UL determined the flash point at  $243^{\circ}\text{C}$  while FMRC determined a flash point at  $330^{\circ}\text{C}$ . The lower flash point reported by UL was due to their use of a different test method.

UL classified BIOTEMP® as a dielectric medium with a fire hazard rating of 4 to 5 which is less hazardous than paraffin oil. BIOTEMP® is one of five products listed by UL as a Class 4 to 5 dielectric medium.

FMRC classified this product as a less flammable transformer fluid. FMRC also identified BIOTEMP® as an alternative to high fire point hydrocarbons, silicone fluids, and synthetic esters or hydrocarbons where fire resistance, improved high temperature operation, and improved cooling are desired.

## 4. Acute Toxicity

Three virgin BIOTEMP® samples, one from each lot, were analyzed by U.S. EPA method, *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms*, EPA/600/4-90/027F, August 1993. The tests used juvenile pimephales promelas (fathead minnow) and samples were prepared in accordance with the "Static

Acute Bioassay Procedures for Hazardous Waste Samples” developed by the California Department of Fish and Game, Water Pollution Control Laboratory and specified in the Code of California Regulations, Title 22, Section 66261.24(a)(6). This procedure requires using the wrist-action shaker method to dissolve the oil. Dissolved oxygen (DO) content, pH, and temperature were monitored and maintained as required by the method.

The lethal concentrations for 50% of the test population (LC<sub>50</sub>) values for this evaluation were less than 250 milligram per liter (mg/L). Historical results provided by ABB reported a LC<sub>50</sub> of 776 mg/L.

A review of both the historical results and the verification/certification results was conducted to identify the differences which could lead to such conflicting results. The main difference between the two sets of results was the sample preparation method used. Samples with the lower LC<sub>50</sub> results were prepared using the wrist-action shaker method while samples with the higher LC<sub>50</sub> results used a carrier solvent to make the oil miscible in water, per U.S. EPA method, *Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters to Freshwater and Marine Organisms*. Oil samples prepared using the wrist action method are thought to stratify, with the oil at the top of the tank. Fish swimming through this upper layer of the tank will become coated with the product and gill exchange will be impaired. Oil samples prepared using the wrist shaker method are thought to provide more realistic results for conditions which may occur during an environmental release. Samples prepared using the carrier solvent provided results that reflect systemic (chemical) impacts on fish. For hazardous waste classification, the end-users should characterize the spent BIOTEMP® at the time of disposal since changes may occur to the oil due to use, storage, or age.

#### 5a. Chemical Composition

The chemical composition of the virgin and in-service fluids were analyzed for SVOCs and metals to verify chemical composition. These samples were also analyzed by various AOAC methods to create a chemical “fingerprint”. Data variability was calculated at 95% confidence

The virgin BIOTEMP® samples averaged 80.06% ± 0.26% oleic acid, 10.45% ± 0.08% diunsaturated fatty acids, 0.26% ± 0.02% triunsaturated fatty acids, and 9.22% ± 0.18% saturated fatty acids. The in-service BIOTEMP® samples had 79.55% to 84.41% oleic acid, 5.38–10.68% diunsaturated fatty acids, 0.21%–0.27% triunsaturated fatty acids, and 9.50–9.99% saturated fatty acids. The average phenolic antioxidant concentration for the virgin product was 3,207 mg/kg ± 103 mg/kg. Phenolic antioxidants

ranged between 2,990 and 3,600 mg/kg in the in-service transformer samples. The results for both the virgin and in-service samples were similar to the formulation provided by ABB.

The polymer and oxidation product values determined by AOAC Method 977.17 are simple indicators used in the food industry to assess the quality of vegetable oil after exposure to heat. If lower values are reported for a oil as it is reheated, the difference is assumed to show an increase in non-elution material (compounds not dissolved using a solvent) that indicates the polar compounds in the oil such as unsaturated fatty acids are degrading. Compared to the average virgin product value of 2.23% ± 0.69%, the in-service fluid samples had values ranging from 1.39% to 2.40% and appear to have degraded slightly due to use except for one sample.

For the 65 standard SVOC compounds analyzed by HML, only n-nitrodiphenylamine was detected around the detection limit of 20 mg/L for the virgin and in-service transformer samples. This may be a component of one of the antioxidants used in the fluid. For the in-service fluid, bis-(2-ethylhexyl)phthalate was also detected. This compound, a widely used plasticizer, was also detected in the equipment and field blanks collected. Other tentatively identified compounds were TBHQ, 2-isopropyl-1,4-benzenediol, 2,3-dihydro-2-methyl-5-phenyl-benzofuran, 2-isopropyl-1,4-benzoquinone, p,p'-dioctyldiphenylamine, beta-sitosterol, squalene, and vitamin E.

Metals were not detected in the in-service transformer samples except for INS-2 which had a zinc concentration of 2.3 mg/kg. For the virgin samples, copper and zinc were detected in one sample at 4.13 mg/kg and 2.02 mg/kg, respectively. Barium was detected in one sample at 0.31 mg/kg and two other samples at 0.32 mg/kg.

#### 5b. Worker Health and Safety Aspects

DTSC reviewed material safety data sheets (MSDSs) and information on a transformer unit and its operation to determine potential hazards and regulations associated with BIOTEMP® usage. These hazards were then compared to potential hazards associated with select mineral oil-based and silicone oil-based transformer fluids. The discussion of the potential hazards and regulations below is not considered comprehensive. The end-user is still responsible for identifying potential hazards and implementing applicable regulations associated with worker health and safety.

The BIOTEMP® MSDS lists the components as >98.5% vegetable oil and <1.5% additives (e.g., antioxidants and color). The antioxidants used in this product are not listed as hazardous materials. Two of the antioxidants have been cleared by the Food and

Drug Administration (FDA) for use as an indirect food additive in food packaging while the third antioxidant is identified as a food grade antioxidant. Although the BIOTEMP® components may be food grade, this product should not be used as a food product.

According to the BIOTEMP® MSDS, this product is also not considered a hazardous substance as defined under Title 8, California Code of Regulations, Section 5194, Hazard Communications. However, this does not relieve the end-user who uses this product from providing workers with information and training necessary to handle BIOTEMP® safely. Workers should review the MSDS and be familiar with the information concerning first aid procedures, physical properties, personal protective equipment (PPE), respiratory protection, and slip hazards. Workers should wash skin that has contacted the product with soap and water. For eye contact, the eyes should be flushed with water. The primary physical property workers should be aware of is the product's flash point of greater than 300°C. In the case of a BIOTEMP® spills, employees should be aware of the increased slip hazard in the affected area due to the product.

Before working with BIOTEMP®, employees should ensure the work area has adequate ventilation, and the appropriate respiratory protection and protective clothing are selected. When working with hot BIOTEMP®, workers should don neoprene gloves, rubber boots and aprons. Respiratory protection should only be worn if oil mists or dusts contaminated with oil are detected at concentrations equal to or exceeding the permissible exposure limit (PEL). OSHA has set the PEL for vegetable oil mist as a nuisance particulate at 15 milligram per cubic meter ( $\text{mg}/\text{m}^3$ ) and 5  $\text{mg}/\text{m}^3$  for respiratory protection for an 8-hour time-weighted average (TWA) exposure. In California, the nuisance particulate PEL is 10  $\text{mg}/\text{m}^3$ . The end-user should consult the appropriate regulatory authority about applicable nuisance particulate PELs used in their area.

If the transformer is located in a poorly ventilated area, then workers should use appropriate engineering controls to ventilate the area. Based on the MSDS information on BIOTEMP®'s antioxidants, BIOTEMP® may produce carbon monoxide, carbon dioxide, nitrogen oxides, and other toxic compounds when the antioxidants thermally decompose. Mineral oil-based and silicone oil-based transformer fluids may also thermally decompose and produce fumes, smoke, carbon monoxide, aldehydes and other products. For some mineral oil-based transformer fluids, sulfur oxides are also listed as a possible decomposition product while silicon dioxide is listed for some silicone oil-based fluids. No data are available on the composition of emissions from transformers in general.

When comparing the PPE requirements for handling BIOTEMP® to select mineral oil-based transformer fluids, the requirements were found to be similar. This comparison is based on MSDS information for select mineral-oil-based transformer fluids obtained from the Vermont Safety Information Resources, Inc. (SIRI) MSDS archive. However, respiratory protection for the mineral oil-based transformer fluids is required when the mineral oil mist concentration equals or exceeds the OSHA PEL set at 5  $\text{mg}/\text{m}^3$  for an 8-hour TWA exposure. For select silicone oil-based transformer fluids found in the Vermont SIRI MSDS archive, workers are advised to don impervious gloves and chemical goggles when handling the fluid.

Occupational exposure to transformer fluid is limited and associated with infrequent activities such as filling, draining, or sampling of transformers. These activities are not likely to generate a mist or aerosol at concentrations approaching the PEL. Potential hazards associated with filling or draining the transformer include slipping on work surfaces where the product was spilled, or splashing of the material into the eyes or onto the skin. Potential hazards associated with sampling the transformer include coming in contact with extremely hot oil, potential electrical arcing from the transformer, or slipping hazards due to spilled BIOTEMP® on the floor.

MSDS information for three silicone transformer fluids identified as less-flammable transformer oils by UL and FMRC were reviewed along with several mineral oil-based transformer fluids listed in the Vermont SIRI MSDS Archive. Health and safety information on the components listed on the MSDSs were compared to information listed in 2000 edition of Sax's Dangerous Properties of Industrial Materials. The primary component of the mineral oil-based transformer fluid was a hydrotreated light naphthenic petroleum distillate (Chemical Abstract Service [CAS] No. 64742-53-6) ranging from 30–100% which was identified as an International Agency for Research on Cancer (IARC) confirmed carcinogen based on experimental data for animals. The primary ingredient of the silicone oil-based transformer fluids was dimethyl polysiloxane (CAS No. 63148-62-9) listed at 100% and identified as a combustible liquid, a teratogen, and the cause of reproductive effects based on experimental data on animals.

#### 5c. Estimated Cost of BIOTEMP® Versus Mineral Oil

The initial purchase cost of a new transformer unit containing BIOTEMP® is approximately 1.25–1.30 times more than the cost for a comparable mineral oil transformer. The price of the BIOTEMP® fluid ranges from \$7 to \$11 per gallon depending on the volume purchased and is based on estimates provided by ABB.



The fluid is available in 5 gallon containers, 55 gallon drums, 200 gallon totes, 6,000 gallon tanker trucks, or by the rail car. Prices for mineral oil typically range from \$2 to \$3 per gallon. Monitoring costs will vary depending on the maintenance program the purchaser has in place. The waste characterization cost for a transformer using BIOTEMP® or mineral oil are anticipated to be approximately the same except for mineral oil suspected to contain PCBs where the costs will be higher. The disposal cost for mineral oil and BIOTEMP® are assumed to be comparable since data are not available on the waste characteristics of BIOTEMP® after 25 years of use.

For a retrofilled transformer, no additional costs due to modifications of the transformer unit are incurred for using BIOTEMP®. The costs associated with draining and disposing of the used oil are expected to be the same for both mineral oil and BIOTEMP®. Costs associated with flushing and filling a retrofilled transformer with BIOTEMP® versus mineral oil are also anticipated to be higher since BIOTEMP® costs between \$4 to \$9 per gallon more than mineral oil depending on the volume purchased.

#### CERTIFICATION STATEMENT

Under the authority of Health and Safety Code section 25200.1.5, the BIOTEMP® Vegetable Oil-Based Insulating Dielectric Fluid (BIOTEMP®) is hereby certified as a pollution prevention technology subject to the specific conditions including the limitations/disclaimer set forth in the Certification Notice as published in the California Regulatory Notice Register on **January 18, 2002**, Register No. **2002**, Volume No. **3-Z**, pages [218-227]. Field test results show that the ABB Inc. BIOTEMP® Vegetable Oil-Based Insulating Dielectric Fluid is a biodegradable, vegetable oil-based dielectric fluid with a flash and fire point above 300°C. The product has dielectric breakdown voltages comparable to mineral oil and high temperature hydrocarbon oil. The product may have varying amounts of antioxidants based on past and current oxidation stability results. BIOTEMP® samples from normal in-service transformers had flash and fire points above 300°C, and showed no signs of oil degradation due to use. Spent BIOTEMP® fluid may exhibit a hazardous characteristic per California's hazardous waste characteristic definition based on limited data for the virgin product. The end-user must characterize the spent BIOTEMP® at the time of disposal since changes may occur to the oil due to use, storage, or age.

#### LIMITATIONS OF CERTIFICATION

DTSC makes no express or implied warranties as to the performance of the BIOTEMP® Vegetable Oil-Based Insulating Dielectric Fluid. Nor does DTSC warrant that the BIOTEMP® product is free from any

defects in workmanship or materials caused by negligence, misuse, accident or other causes. However, DTSC believes that the BIOTEMP® Vegetable Oil-Based Insulating Dielectric Fluid can be used in accordance with the conditions specified in this certification notice to achieve the results specified herein.

Use of the certified technology is limited to transformers as an insulating dielectric fluid. The product must also meet the requirements specified by Underwriters Laboratories (UL) and the Factory Mutual Research Center (FMRC) for a less flammable transformer fluid and transformer installation requirements specified under the National Electrical Code (NEC).

#### SPECIFIC CONDITIONS

1. **Applicability.** This certification is limited to the use of BIOTEMP® Vegetable Oil-Based Insulating Dielectric Fluid (BIOTEMP®) as an insulating dielectric fluid in transformers up to 20 megavolt amperes (MVA).
2. **Use for Transformers.** This certification is limited to use of the BIOTEMP® in transformers up to 20 megavolt amperes (MVA). Use of BIOTEMP® does not automatically classify the transformers as less flammable per the Factory Mutual Research Center definition. The user is responsible for assessing whether existing transformers where BIOTEMP® will be substituted for the original dielectric fluid (retrofilling) meets current NEC requirements.
3. **Compliance with the Oil Spill Pollution Prevention and Management Requirements.** Use of the BIOTEMP® Vegetable Oil-Based Insulating Dielectric Fluid must be in compliance with all federal, state, and local regulations requiring the reporting of oil releases to the soil or water and their subsequent clean-up.
4. **Compliance with Hazardous Waste Classification and Disposal Requirements.** Prior to disposal, spent BIOTEMP® and waste material generated from the clean-up of BIOTEMP® spills must be characterized per 22CCR Section 66261.20 and managed accordingly. Spent BIOTEMP® or waste material from spills shall be tested for polychlorinated biphenyls (PCBs) if the transformer in question formerly contained a PCB-laden oil. The disposal of virgin and spent BIOTEMP® must be in compliance with all federal, state, and local regulations.
5. **Compliance with Used Oil Management Requirements.** The user shall be responsible for determining if the spent BIOTEMP® meets the definition of an used oil per 22CCR Section 66279.1(d),



contains no more than 5 ppm of PCBs, and has a total halogen content of less than 1,000 ppm. If the spent BIOTEMP® meets these criteria, then it must be managed as an used oil under California's Used Oil Management Program and sent to a certified California waste oil recycler. If the spent BIOTEMP® does not meet the definition of an used oil per 22CCR Section 66279.1(d) but does meet the definition of a hazardous waste per 22CCR Section 66261.20, then it must be managed as a hazardous waste.

6. Compliance with Worker Health and Safety Laws. Use of BIOTEMP® in transformers must be in compliance with all federal, state and local regulations relating to the protection of worker health and safety. In California these include, but are not limited to, Cal-OSHA and OSHA requirements.
7. Personnel Training. Operators with knowledge and proper training in transformer sampling are required to collect samples from in-service transformers. Training includes, but is not limited to, safe operation and maintenance of the transformers, and knowledge of safe work practices and operating procedures for high voltage electrical equipment.
8. Compliance with Applicable Federal, State, Local Regulations. The user shall comply with all applicable federal, state, and local regulatory requirements.
9. Modifications and Amendments at the Request of the Applicant. Modifications and amendments to this certification may be requested by the applicant and shall be subject to approval by DTSC.
10. Certification Reference. The holder of a valid hazardous waste environmental technology certification is authorized to use the certification seal (California Registered Service Mark Number 046720) and shall cite the certification number and date of issuance in conjunction with the certification seal whenever it is used. When providing information on the certification to the user of the technology or another interested party, the holder of a hazardous waste environmental technology certification shall at a minimum provide the full text of the final certification decision as published in the California Regulatory Notice Register.
11. The user of the certified technology shall maintain adequate records to document compliance with the conditions of certification. The records shall be maintained onsite and available for inspection.

## REGULATORY IMPLICATIONS

This certification is for the specific claims, conditions, and limitations outlined in this notice, and is based on DTSC's evaluation of the technology's performance. The Certification does not change the regulatory status of BIOTEMP® Vegetable Oil-Based Insulating Dielectric Fluid; it should, however, facilitate and encourage the acceptance of this technology as a pollution prevention alternative to transformer oils containing PCBs, mineral oils, and silicone oils.

Use of this technology as a pollution prevention alternative does not require a hazardous waste management permit issued by DTSC. However use of the technology may be subject to regulation by other state and local agencies. For each specific application, the end-user must ensure compliance with all applicable regulations and standards established by other state and local agencies.

This Certification is issued under the California Environmental Technology Certification Program, and is therefore subject to the conditions set out in the regulations, such as the duration of the Certification, the continued monitoring and oversight requirements, and the procedures for certification amendments, including decertification.

By accepting this Certification, the manufacturer assumes, for the duration of the Certification, responsibility for maintaining the quality of the manufactured materials and equipment at a level equal or better than was provided to obtain this Certification and agrees to be subject to quality monitoring by DTSC as required by the law, under which this Certification is granted.

## DURATION OF CERTIFICATION

This certification will remain in effect for three years from the date of issuance, unless it is amended or revoked for cause.

# PROPOSITION 65

## CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT

### SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65)

### NOTICE OF INTENT TO LIST TRIPHENYLTIN HYDROXIDE January 18, 2002

The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65) provides two mechanisms for administratively listing chemicals that are

known to the State to cause cancer or reproductive toxicity (Health and Safety Code Section 25249.8(b)). One such mechanism by which a chemical may be listed is if a body considered to be authoritative by the state's qualified experts has formally identified it as causing cancer or reproductive toxicity. The following are identified as authoritative bodies for purposes of Proposition 65 as it pertains to chemicals known to cause reproductive toxicity: the U.S. Environmental Protection Agency (U.S. EPA), the International Agency for Research on Cancer (IARC) (for transplacental carcinogenicity only), the U.S. Food and Drug Administration (FDA), and the National Institute for Occupational Safety and Health (NIOSH). The criteria for listing chemicals through the authoritative bodies mechanism are set forth in Title 22, California Code of Regulations (22 CCR), Section 12306.

As the lead agency for the implementation of Proposition 65, the Office of Environmental Health Hazard Assessment (OEHHA) of the California Environmental Protection Agency intends to list the chemical triphenyltin hydroxide (CAS No. 76-87-9) as known to the State to cause reproductive toxicity, pursuant to this administrative mechanism as provided in Health and Safety Code Section 25249.8(b) and 22 CCR, Section 12306.

This is the second notice of intent to list issued for triphenyltin hydroxide. As a matter of clarification a brief historical account of triphenyltin hydroxide and Proposition 65 listing via the authoritative bodies mechanism is provided. The possibility that triphenyltin hydroxide, a pesticide not registered for use in California, may meet the criteria for listing under Proposition 65 via the authoritative bodies mechanism was announced in a public notice published in the *California Regulatory Notice Register* (CRNR) on October 9, 1998 (Register 98, No. 41-Z) requesting relevant information. A public forum was held on November 20, 1998. No oral or written public comments were received. On January 29, 1999, OEHHA issued in the CRNR a notice of intent to list triphenyltin hydroxide. The authoritative body, U.S. EPA, described one study in its identification of triphenyltin hydroxide as a chemical causing developmental toxicity, and referred to supporting data in the U.S. EPA "Tox One-Liner" database. Until recently, OEHHA did not have possession of the Tox One-Liner entry for triphenyltin hydroxide. The Proposition 65 notice of intent to list was therefore not based on data described in the U.S. EPA Tox One-Liner database but on the one study on which OEHHA had adequate documentation for the review of the scientific evidence. Subsequent to that notice, OEHHA determined that the evidence in the study providing the basis for the listing was indicative of female reproductive toxicity, not developmental toxicity, the endpoint

identified by the authoritative body. OEHHA then announced in the CRNR, on May 21, 1999, that the evidence was insufficient for listing triphenyltin hydroxide under Proposition 65. In that notice OEHHA also announced that the chemical would be referred to the Developmental and Reproductive Toxicant (DART) Identification Committee, the state's qualified experts for reproductive toxicity pursuant to Proposition 65. The referral was in accordance with 22 CCR, Section 12306(i) which states that after the issuance of a notice of intent to list OEHHA finds that the regulatory criteria for listing have not been satisfied, OEHHA shall refer the chemical to the appropriate Committee, in this case the DART Identification Committee, for its opinion as to whether the chemical has been clearly shown to cause reproductive toxicity.

Most recently, the U.S. EPA Tox One-Liner database entry for triphenyltin hydroxide has become available to OEHHA. This document describes several additional studies which provide evidence for developmental toxicity, the endpoint identified by the authoritative body. With the inclusion of this additional information, OEHHA has determined that triphenyltin hydroxide meets the criteria for listing as causing reproductive toxicity under 22 CCR, Section 12306. OEHHA is therefore issuing this notice of intent to list triphenyltin hydroxide. Accordingly, triphenyltin hydroxide will not at this time be referred to the DART Identification Committee.

A document providing more detail on the basis for the listing can be obtained from OEHHA's Proposition 65 Implementation Office at the address and telephone number indicated below, or from the OEHHA Web site at: <http://www.oehha.ca.gov>. Anyone objecting to the listing of triphenyltin hydroxide as causing reproductive toxicity on the basis that there is no substantial evidence that the criteria of sufficiency of evidence of reproductive toxicity identified in 22 CCR, Section 12306 have been satisfied should provide written comments in triplicate, along with supporting documentation, by mail or by fax to:

Ms. Cynthia Oshita  
Office of Environmental Health Hazard Assessment  
P.O. Box 4010  
Sacramento, California 95812-4010  
Fax No.: (916) 323-8803  
Telephone: (916) 445-6900

Comments may also be hand-delivered to Ms. Oshita at the Office of Environmental Health Hazard Assessment at the same address.

**In order to be considered, comments must be postmarked (if sent by mail) or received at OEHHA (if hand-delivered or sent by fax) by 5:00 p.m. on Monday, February 18, 2002.**

The following chemical has been determined by OEHHA to meet the criteria set forth in 22 CCR, Section 12306 for listing as causing reproductive toxicity under the authoritative bodies mechanism:

Chemical	CAS No.	Toxicological Endpoint	Reference <sup>a</sup>
Triphenyltin hydroxide	76-87-9	Developmental toxicity	U.S. EPA (1994a,b)

#### **References**

U.S. Environmental Protection Agency (U.S. EPA, 1994a). Proposed Rule: Addition of Certain Chemicals; Toxic Chemical Release Reporting; Community Right to Know. *Federal Register* (59 FR 1788).

U.S. Environmental Protection Agency (U.S. EPA, 1994b). Final Rule: Addition of Certain Chemicals; Toxic Chemical Release Reporting; Community Right to Know. *Federal Register* (59 FR 61432).

## **RULEMAKING PETITION DECISIONS**

### **DEPARTMENT OF CORRECTIONS**

NOTICE OF DECISION ON PETITION TO  
AMEND REGULATIONS  
California Code of Regulations  
Title 15, Crime Prevention and Corrections  
Division 3, Department of Corrections

#### **PETITIONER:**

Michael Jennings

#### **AUTHORITY**

Under authority established in Penal Code (PC) Section 5058 the Director may prescribe and amend regulations for the administration of prisons. PC Section 5054 vests with the Director the supervision, management and control of the prisons, and the responsibility for the care, custody, treatment, training, discipline, and employment of persons confined therein.

#### **CONTACT PERSON**

Please direct any inquiries regarding this action to Rick Grenz, Chief, Regulation and Policy Management Branch, Department of Corrections, PO Box 942883, Sacramento, CA 94283-0001, or telephone (916) 322-9702.

<sup>a</sup> Formal identification by US EPA of chemicals causing reproductive toxicity is provided in US EPA (1994b) below, while additional information on the basis for such identification is provided in US EPA (1994a).

#### **AVAILABILITY OF PETITION**

The petition for adoption of the regulations is available upon request directed to the Department's contact person.

#### **SUMMARY OF PETITION**

Petitioner requests the Department of Corrections adopt regulations to be incorporated into the California Code of Regulations (CCR), Title 15, Division 3, to allow Muslim inmates to utilize Excused Time Off (ETO) for the purpose of attending Jumu'ah Religious Services. Petitioner states that the Department of Corrections constitutionally errors in excluding Jumu'ah attendance from among the religious services for which ETO may be legitimately used.

#### **DEPARTMENT DECISION**

The Director of Corrections denies the petition to adopt new regulations to allow Muslim inmates to utilize ETO for the purpose requested.

The Department of Corrections is currently involved in litigation that concerns the same subject matter as is contained this petition. The lead case in this litigation is entitled *Mayweathers, et al. v. Terhune, et al.*; **United States District Court, Eastern District**. The District Court has designated that there are 45 other cases related to the *Mayweathers v. Terhune* case and has stayed those 45 other cases pending a decision in *Mayweathers*. Changes in the CCR with respect to this issue will occur, if necessary, after the *Mayweathers v. Terhune* case has been decided.

Therefore, petitioner's suggested changes are not appropriate pending the litigated outcome cited herein. The petition is denied.

## **SUMMARY OF REGULATORY ACTIONS**

### **REGULATIONS FILED WITH SECRETARY OF STATE**

This Summary of Regulatory Actions lists regulations filed with the Secretary of State on the dates indicated. Copies of the regulations may be obtained by contacting the agency or from the Secretary of State, Archives, 1020 O Street, Sacramento, CA, 95814, (916) 653-7715. Please have the agency name and the date filed (see below) when making a request.

#### **BOARD OF EDUCATION**

Award Programs Linked to the API

This regulatory action amends the award program linked to the Academic Performance Index (API).

Title 5  
California Code of Regulations  
AMEND: 1031, 1032, 1033, 1034, 1035, 1036,  
1037, 1038, 1039  
Filed 01/08/02  
Effective 01/08/02  
Agency Contact: Pat McGinnis (916) 657-4669

**BOARD OF EQUALIZATION**  
Interstate and Foreign Commerce

This regulatory action provides that a vessel first functionally used outside California and brought into this state within 90 days after its purchase, would not be regarded as purchased for use in this state if the vessel is used, stored, or both used and stored outside California one-half or more of the time during the six-month period immediately following its entry into this state; or if one-half or more of the nautical miles traveled during the six-month period immediately following the vessel's entry into this state are nautical miles traveled in interstate or foreign commerce.

Title 18  
California Code of Regulations  
AMEND: 1620  
Filed 01/08/02  
Effective 02/07/02  
Agency Contact: Diane G. Olson (916) 322-9569

**BOARD OF EQUALIZATION**  
Fixtures

This rulemaking adds an example defining a permanently annexed wind machine as a fixture.

Title 18  
California Code of Regulations  
AMEND: 122.5  
Filed 01/07/02  
Effective 02/06/02  
Agency Contact: Diane G. Olson (916) 322-9569

**BUREAU FOR PRIVATE POSTSECONDARY AND VOCATIONAL EDUCATION**  
Vocational and Non-Degree Granting Schools

The Bureau for Private Postsecondary and Vocational Education of the Department of Consumer Affairs is amending Chapter 4 entitled Vocational and Non-Degree Granting Schools (the statutes which are implemented are operative until January 1, 2005).

Title 5  
California Code of Regulations  
AMEND: 73000, 73010, 73100, 73110,  
73120, 73130, 73140, 73150, 73160, 73165, 73170,  
73180, 73190, 73200, 73210, 73230, 73240, 73260,  
73270, 73280, 73290, 73300, 73310, 73320, 73330,  
73340, 73350, 73360, 73380, 73390, 73400, 73410,  
73420, 73430, 73440  
Filed 01/07/02

Effective 01/07/02  
Agency Contact: Julieta Leon (916) 445-3427

**CALIFORNIA HORSE RACING BOARD**  
Rule 2076, Deposits to an Advance Deposit Wagering Account with all Entities

This action provides the procedures and conditions to make a deposit into an advance deposit wagering account.

Title 4  
California Code of Regulations  
ADOPT: 2076  
Filed 01/07/02  
Effective 01/07/02  
Agency Contact: Pat Noble (916) 263-6033

**CALIFORNIA HORSE RACING BOARD**  
Rule 2077, Placing an Advance Deposit Wager with all Entities

This rulemaking provides for the procedures and conditions to place an advance deposit wager for an account holder and for the entity that accepts the wager.

Title 4  
California Code of Regulations  
ADOPT: 2077  
Filed 01/03/02  
Effective 01/03/02  
Agency Contact: Pat Noble (916) 263-6033

**CALIFORNIA HORSE RACING BOARD**  
Interest Bearing Accounts

The proposed regulatory action would annually split the first \$250,000 in interest from California resident's accounts between the horsemen's welfare fund and the backstretch pension plan with the remainder to horsemen's purses.

Title 4  
California Code of Regulations  
ADOPT: 2082  
Filed 01/07/02  
Effective 01/07/02  
Agency Contact: Pat Noble (916) 263-6033

**CALIFORNIA HORSE RACING BOARD**  
Operation of an Advance Deposit Wagering Account For All Entities

This action provides the procedures and conditions for the day-to-day operation of advance deposit wagering accounts. It includes, in part, timeframes for entities to return funds when an account is closed; prohibits interest earned on funds from being distributed to the account holder; provides for electronic recording of all wagering conversations and other communications; provides days and times for accepting wagers as designated on specified forms, and Board notification of close of wagering during those



times; confidentiality requirements; and credit card designation changes requiring 24 hours' notice to the entity.

Title 4  
California Code of Regulations  
ADOPT: 2073  
Filed 01/07/02  
Effective 01/07/02  
Agency Contact: Pat Noble (916) 263-6033

**CALIFORNIA HORSE RACING BOARD**

Approval to Conduct Advance Deposit Wagering by an Out-of-State Applicant

This regulatory action adopts the process for obtaining approval to conduct advance deposit wagering by an out-of-state applicant.

Title 4  
California Code of Regulations  
ADOPT: 2072  
Filed 01/07/02  
Effective 01/07/02  
Agency Contact: Pat Noble (916) 263-6033

**CALIFORNIA HORSE RACING BOARD**

License to Conduct Advance Deposit Wagering by a California Applicant

This regulatory action establishes the procedure that a California applicant must follow to become licensed to conduct advance deposit wagering.

Title 4  
California Code of Regulations  
ADOPT: 2071  
Filed 01/07/02  
Effective 01/07/02  
Agency Contact: Pat Noble (916) 263-6033

**CALIFORNIA HORSE RACING BOARD**

Requirements to Establish an Advance Deposit Wagering Account with a California Entity

This regulatory action establishes the requirements to establish an Advance Deposit Wagering Account with a California Entity.

Title 4  
California Code of Regulations  
ADOPT: 2074  
Filed 01/03/02  
Effective 01/03/02  
Agency Contact: Pat Noble (916) 263-6033

**CALIFORNIA HORSE RACING BOARD**

Advance Deposit Wagering Prohibited

The proposed regulatory action prohibits employees of locations where advance deposit wagers may be made from placing an advance deposit wager while on duty.

Title 4  
California Code of Regulations

ADOPT: 2083  
Filed 01/04/02  
Effective 02/03/02  
Agency Contact: Pat Noble (916) 263-6033

**CALIFORNIA HORSE RACING BOARD**

Credit for Winning Wagers and Scratched Entries

The regulatory action adopts section 2079 which requires that "The Licensee, Betting System, CA Hub or out-of-state hub shall post credits for winnings from advance deposit wagers and any credit for wagers on a scratched entry to the Account after the race is declared official."

Title 4  
California Code of Regulations  
ADOPT: 2079  
Filed 01/03/02  
Effective 01/03/02  
Agency Contact: Pat Noble (916) 263-6033

**CALIFORNIA HORSE RACING BOARD**

Requirements to Establish an Advance Deposit Wagering Account with an Out-of-State Hub

This regulatory action adopts the requirements to establish an Advance Deposit Wagering Account with an out-of-state Hub

Title 4  
California Code of Regulations  
ADOPT: Rule 2075  
Filed 01/03/02  
Effective 01/03/02  
Agency Contact: Pat Noble (916) 263-6033

**CALIFORNIA HORSE RACING BOARD**

Definitions

This rulemaking action implements and interprets Business and Professions Code, section 19604 by adopting definitions for the following terms and phrases as used in the board's regulations on advance deposit wagering: "Account," "Account Holder," "Account Number," "Advance Deposit Wagering," "Applicant," "Application," "Betting System," "Board," "Confidential Information," "Credits," "Debits," "Deposit," "Licensee," "Market Access Fee," "Means of Personal Identification," "Multi-jurisdictional Wagering Hub," "Natural Person," "Other Electronic Media," "Proper Identification," "Withdrawal," and "Withdrawal Slip."

Title 4  
California Code of Regulations  
ADOPT: 2070  
Filed 01/03/02  
Effective 01/03/02  
Agency Contact: Pat Noble (916) 263-6033

**CALIFORNIA HORSE RACING BOARD****Proceeds from a Deceased Account Holder**

This rulemaking establishes the procedures and conditions for the release of funds in an advance deposit wagering account when the account holder is deceased.

**Title 4**

California Code of Regulations

ADOPT: 2080

Filed 01/03/02

Effective 01/03/02

Agency Contact: Pat Noble (916) 263-6033

**CALIFORNIA STATE UNIVERSITY****Work Assignments**

The Board of Trustees of the California State University is amending section 42713 of title 5, California Code of Regulations, pertaining to work assignments. These changes are exempt from review by the Office of Administrative Law pursuant to Education Code section 89030.1.

**Title 5**

California Code of Regulations

AMEND: 42713

Filed 01/07/02

Effective 01/07/02

Agency Contact:

Bruce M. Richardson (562) 951-4500

**COMMISSION ON PEACE OFFICER STANDARDS AND TRAINING****Elder/Dependent Adult Abuse Training**

Existing law requires police officers and deputy sheriffs assigned to field duties to complete an elder abuse training course certified by the POST Commission. The State Legislature mandated, in AB 1819, changes to Penal Code section 13515 expanding the existing required subjects to include dependant adults. AB 1819 also added to the subjects required by Penal Code section 13515 physical and psychological abuse of elders and dependant adults, and the role of adult protective services and public guardian offices. This regulatory action puts into regulation the changes made to Penal Code section 13515 by AB 1819.

**Title 11**

California Code of Regulations

AMEND: 1081

Filed 01/09/02

Effective 02/08/02

Agency Contact: Leah Cherry (916) 227-3891

**DEPARTMENT OF AGING****Elderly Nutrition Program**

This action formally adopts regulations governing all aspects of the Elderly Nutrition Program administered by the Department through Area Agencies on Aging (AAAs).

**Title 22**

California Code of Regulations

ADOPT: 7630, 7632, 7632.1, 7632.3, 7632.5, 7634, 7634.1, 7634.3, 7634.5, 7636, 7636.1, 7636.3, 7636.5, 7637.7, 7636.9, 7638, 7638.1, 7638.3, 7638.5, 7638.7, 7638.9, 7638.11, 7638.13

Filed 01/08/02

Effective 02/07/02

Agency Contact:

Patricia Osfeld (916) 323-4580

**DEPARTMENT OF CORRECTIONS****Alternative Sentencing Program Establishment**

This action repeals the alternative sentencing program establishment. Penal Code sections 1173 through 1173.10, establishing this program, sunsetted on January 1, 1998, and implementation of the program was discontinued.

**Title 15**

California Code of Regulations

REPEAL: 3074

Filed 01/08/02

Effective 01/08/02

Agency Contact: Bonnie Garibay (916) 322-9702

**DEPARTMENT OF FOOD AND AGRICULTURE****Detection of Drugs Residues in Milk Reporting**

The California Department of Food and Agriculture is amending the captioned section pertaining to the detection of drug residues in milk reporting. Two United States Food and Drug Administration, Milk Safety Branch, Coded Memoranda which are cross-referenced have new revision dates.

**Title 3**

California Code of Regulations

AMEND: 576.1

Filed 01/08/02

Effective 01/08/02

Agency Contact: Nancy Grillo (916) 654-0881

**DEPARTMENT OF FOOD AND AGRICULTURE****Red Imported Fire Ant Eradication Area**

This emergency rulemaking adds the county of Merced to the areas of eradication for red imported fire ants.

**Title 3**

California Code of Regulations

AMEND: 3591.16 (a)

Filed 01/04/02

Effective 01/04/02

Agency Contact:

Barbara J. Hass (916) 654-1017

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT****Multifamily Housing Program**

This action implements the multifamily housing program with a set of new, uniform regulations that

will take the place of three earlier programs [Deferred Payment Rehabilitation Loan Program, Rental Housing Construction Program, Family Housing Demonstration Program].

**Title 25**

California Code of Regulations

ADOPT: 7300, 7301, 7302, 7303, 7304, 7305, 7306, 7307, 7308, 7309, 7310, 7311, 7312, 7313, 7314, 7315, 7316, 7317, 7318, 7319, 7320, 7321, 7322, 7323, 7324, 7325, 7326, 7327, 7328, 7329, 7330, 7331, 7332, 7333, 7334, 7335, 7336

Filed 01/08/02

Effective 01/08/02

Agency Contact: Lenora Frazier (916) 323-7288

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**

**Fire Hydrant Test and Certification**

This regulatory action requires periodic inspection and testing of fire hydrants and fire hydrant systems in mobilehome parks, special occupancy parks, and manufactured housing communities.

**Title 25**

California Code of Regulations

ADOPT: 1302, 1316, 1317, 1318, 1319 AMEND: 1300, 1304, 1306, 1310

Filed 01/03/02

Effective 01/03/02

Agency Contact:

Lucy Christensen (916) 327-2796

**DEPARTMENT OF INSURANCE**

**Premium Rates for Credit Life and Disability Insurance**

The California Department of Insurance is amending sections 2248.31, 2248.32, 2248.35, 2248.40, 2248.41, 2248.42, and 2248.47 pertaining to premium rates for credit life/credit disability insurance. This file is exempt from review by the Office of Administrative Law correcting File No. 94-0328-01P pertaining to premium rates for credit life/credit disability insurance.

**Title 10**

California Code of Regulations

AMEND: 2248.31, 2248.32, 2248.35, 2248.40, 2248.41, 2248.42, and 2248.47.

Filed 01/09/02

Effective 01/09/02

Agency Contact:

Brian G. Soublet (916) 492-3521

**DEPARTMENT OF THE YOUTH AUTHORITY**

**Medical Regulations**

This regulatory action adopts provisions dealing with the involuntary administration of psychotropic drugs.

**Title 15**

California Code of Regulations

ADOPT: 4742, 4743, 4744, 4745, 4746, 4747, AMEND: 4730, 4732, 4733, 4734, 4735, 4736, 4737, 4739, 4740

Filed 01/09/02

Effective 02/08/02

Agency Contact:

Catherine Sorenson (916) 262-1437

**INDUSTRIAL WELFARE COMMISSION**

**Miscellaneous Employees**

This is a print only file concerning wage orders and on-site occupations.

**Title 8**

California Code of Regulations

ADOPT: 11170 AMEND: 11160

Filed 01/04/02

Effective 02/03/02

Agency Contact: Traci Pilgrim (916) 322-4226

**OCCUPATIONAL SAFETY AND HEALTH STANDARDS BOARD**

**Cranes and Other Hoisting Equipment**

This action amends the General Industry Safety Orders concerning cranes and other hoisting equipment. It clarifies that ANSI/ASME national consensus standards for cranes and derricks apply to those "manufactured" after specific dates, and that the use of load indicating/load moment devices be "approved" as defined in Section 3206 of the regulations. It also renames Figure 15 as a "mobile crane with tower attachment," and makes other minor clarifying changes.

**Title 8**

California Code of Regulations

AMEND: 3472, 4884, 4885, 4886, 4907, 4924, 4965, 4966, 4968

Filed 01/03/02

Effective 02/02/02

Agency Contact: Marley Hart (916) 274-5721

**OFFICE OF ADMINISTRATIVE HEARINGS**

**Bid Protest Procedures**

The proposed nonregulatory action would delete the definition of and reference to sanctions as pertaining to the Alternative Protest Pilot Project in compliance with the repeal of Public Contract Code section 12126(e) which contained sanction for frivolous protests.

**Title 1**

California Code of Regulations

AMEND: 1402, 1414, 1437

Filed 01/08/02

Effective 02/07/02

Agency Contact:

Heather Cline Hoganson (916) 322-2536

**SAN GABRIEL AND LOWER LOS ANGELES  
RIVERS AND MT. CONSERVANCY**

**Contracting With Private Engineering Firms**

This regulatory action adopts the requirements for contracting with private architectural, landscape architectural, engineering, environmental, or land surveying services.

**Title 14**

**California Code of Regulations**

**ADOPT: 14021, 14022, 14023, 14024, 14025,  
14026, 14027, 14028, 14029, 14030, 14031, 14032  
Filed 01/09/02**

**Effective 02/08/02**

**Agency Contact:**

**Terry T. Fujimoto (213) 897-2706**

**STATE WATER RESOURCES CONTROL BOARD  
TMDL for Sediment in the Garcia River Watershed**

Regional Water Board Resolution No. 98-66, adopted by the North Coast Regional Water Quality Control Board on May 28, 1998 and subsequently revised on December 10, 1998, modified the regulatory provisions in Section 4, Implementation Plans, Nonpoint Source Measures of the Water Quality Control Plan for the North Coast Region by establishing a phased total maximum daily load (TMDL), an implementation plan, and a monitoring plan for sediment in the Garcia River watershed in southwestern Mendocino County. This resolution was revised and readopted by the North Coast Regional Water Board as Resolution No. R1-2001-72 on June 28, 2001, which modified the Garcia River Water Quality Attainment Action Plan for Sediment which includes the TMDL, Implementation Plan, and Monitoring Plan.

(a) The TMDL establishes the goal of attaining specified targets by the year 2049 for migration barriers, embeddedness, fines, primary pool frequency, proportion of fine sediment in a pool, median particle sizes, large woody debris, width-to-depth ratio, thalweg profile, and stream channel opening.

(b) The TMDL identifies the loading capacity of the Garcia River watershed as 552 tons/sq.mi./year, a 60 percent reduction of the average annual sediment load, and allocates the load to all dischargers as "zero controllable discharges." The loading capacity will be measured over 40 years.

(c) The implementation plan requires landowners to identify and control all existing and future controllable discharges of sediment in accordance with specified schedules using one of three options: (1) comply with waste discharge prohibitions that prohibit the controllable discharge of any organic or earthen material into the waters of the Garcia River or to any location where it could pass into the waters of the Garcia River; or (2) comply with an approved erosion control plan and an

approved site-specific management plan; or (3) comply with an approved erosion control plan and the Garcia River Management Plan. The amendment specifies that it will not impose administrative civil liabilities for violations of the prohibitions if the discharging landowner is implementing an approved erosion control plan and management plan, but will consider the need to revise the plans or to issue a cleanup and abatement order.

(d) The implementation plan specifies the purpose of an erosion control plan and requires that it contain a baseline data inventory, a sediment reduction schedule, an assessment of unstable areas, and a monitoring plan which includes an annual report.

(e) The implementation plan specifies the purpose of the management plans and provides for time extensions. It specifies how a site-specific management plan must describe land management measures to control sediment delivery and describe land management measures to improve the condition of the riparian management zone. It also sets out the Garcia River Management Plan, which specifies land management measures that apply to the following: roads, watercourse crossings, and near stream facilities; unstable areas; the riparian management zone; and, gravel mining.

(f) The implementation plan specifies conditions under which other planning efforts such as a Timber Harvest Plan or a Ranch Plan will be approvable as an erosion control plan and management plan.

(g) The implementation plan provides that certain individual land management projects that are subject to Regional Water Board review are subject to the TMDL, the implementation plan, and the monitoring plan. It also requires notification of the Regional Board by a landowner conducting a restoration project, and allows substitution of restoration in lieu of action to control a sediment delivery site.

(h) The implementation plan provides for the adoption of group erosion control plans; whereas landowners with similar land-use activities can develop collective watershed based erosion control plans without having to show internal property boundaries.

(i) The implementation plan establishes a procedure for its initiation, and an implementation schedule which specifies interim and final compliance dates ranging from 3 to 23 years for specified activities.

(j) The monitoring plan specifies instream and hillslope monitoring parameters, monitoring protocols, and frequency of monitoring, provides that instream and hillslope monitoring by landowners (except for sediment delivery site monitoring) is voluntary, and requires an annual report describing erosion control-related activities and sediment delivery reduction results.



(k) The amendment provides that the Regional Board shall review sufficiency of progress at least once every 3 years.

Title 23  
California Code of Regulations  
AMEND: 3904  
Filed 01/03/02  
Effective 01/03/02  
Agency Contact: Joanne Cox (916) 341-5552

**SUPERINTENDENT OF PUBLIC INSTRUCTION  
Pregnant Minor Program**

The proposed nonregulatory action would repeal the regulations implementing the Pregnant Minor Program in response to the repeal of the statutory authority. Chapter 1078 of the Statutes of 1998 eliminated the existing program for pregnant minors replacing it with the Cal-SAFE program.

Title 5  
California Code of Regulations  
REPEAL: 11820, 11822, 11823, 11827, 11828, 11829, 11831, 11832, 11833, 11834  
Filed 01/08/02  
Effective 02/07/02  
Agency Contact: Pat McGinnis (916) 657-4669

**TECHNOLOGY, TRADE AND COMMERCE  
AGENCY  
Regional Technology Alliances**

The California Technology, Trade and Commerce Agency is amending the captioned sections in order to bring them into compliance with those changes made by Stats. 1998, Ch. 685, and Stats. 2000, Ch. 1056.

Title 10  
California Code of Regulations  
AMEND: 5460, 5461, 5462, 5463, 5464, 5465  
Filed 01/08/02  
Effective 01/08/02  
Agency Contact: Terri Toohey (916) 324-3787

**CCR CHANGES FILED WITH THE  
SECRETARY OF STATE  
WITHIN SEPTEMBER 05, 2001 TO  
JANUARY 09, 2002**

All regulatory actions filed by OAL during this period are listed below by California Code of Regulation's titles, then by date filed with the Secretary of State, with the Manual of Policies and Procedures changes adopted by the Department of Social Services listed last. For further information on a particular file, contact the person listed in the Summary of Regulatory Actions section of the Notice Register published on the first Friday more than nine days after the date filed.

**Title 1**

01/08/02 AMEND: 1402, 1414, 1437

**Title 2**

12/27/01 AMEND: 18428  
12/26/01 AMEND: 2554(b)(4), 2555(a)(1)  
12/21/01 AMEND: 1859.2, 1859.81  
12/20/01 AMEND: 2300(b)  
12/20/01 AMEND: 45100  
12/18/01 AMEND: 2541(c), 2541(d)  
12/12/01 ADOPT: 1896.300, 1896.310, 1896.320, 1896.330, 1896.340, 1896.350, 1896.360, 1896.370  
11/27/01 ADOPT: 599.911, 599.912, 599.913  
11/26/01 ADOPT: 18540  
11/16/01 ADOPT: 18539.2  
11/06/01 ADOPT: 18536 REPEAL: 18536  
10/31/01 AMEND: 599.936  
10/31/01 AMEND: 599.911, 599.912, 599.913  
10/29/01 ADOPT: 18542  
10/29/01 ADOPT: 18543  
10/18/01 ADOPT: 18404.2  
10/09/01 ADOPT: 18530.4, 18570  
10/04/01 ADOPT: 18531.6  
10/04/01 AMEND: 599.502, 599.508  
10/01/01 AMEND: 599.616.1, 599.619, 599.631, 599.723.1  
09/17/01 ADOPT: 549.90  
09/14/01 ADOPT: 58100  
09/10/01 ADOPT: 37000

**Title 3**

01/08/02 AMEND: 576.1  
01/04/02 AMEND: 3591.16 (a)  
12/27/01 AMEND: 2  
12/26/01 AMEND: 6650, 6654, 6656  
12/26/01 ADOPT: 950, 951, 952, 953, 954, 955  
AMEND: 900.1, 901, 927, 930, 931  
12/20/01 ADOPT: 7010  
12/14/01 AMEND: 3700(a),(b),(c)  
12/12/01 AMEND: 3591.2(a)  
12/05/01 ADOPT: 1301, 1301.1, 1301.2, 1301.3, 1301.4, 1301.5, 1301.6, 1301.7, 1301.8, 1301.9  
12/04/01 AMEND: 3591.12(a)  
11/28/01 AMEND: 3430(b)  
11/28/01 AMEND: 1359, 1392.4, 1436.30 REPEAL: 1359.1, 1360, 1361, 1362, 1363  
11/27/01 AMEND: 6252, 6256  
11/26/01 AMEND: 1380.19  
10/25/01 ADOPT: 480.9 AMEND: 300(c)(1)  
10/24/01 ADOPT: 1301, 1301.1, 1301.2, 1301.3, 1301.4, 1301.5, 1301.6, 1301.7, 1301.8, 1301.9  
10/19/01 ADOPT: 2302 AMEND: 2303  
10/15/01 AMEND: 3591.16  
10/15/01 AMEND: 6450.2, 6450.3  
10/11/01 ADOPT: 6625 AMEND: 6624

10/04/01 AMEND: 3423(b)  
 10/04/01 ADOPT: 3700  
 09/07/01 AMEND: 3406(b)  
 09/06/01 AMEND: 3591.12(a)

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01/07/02 ADOPT: 2082  
 01/07/02 ADOPT: 2071  
 01/07/02 ADOPT: 2072  
 01/07/02 ADOPT: 2073  
 01/07/02 ADOPT: 2076  
 01/04/02 ADOPT: 2083  
 01/03/02 ADOPT: 2074  
 01/03/02 ADOPT: 2079  
 01/03/02 ADOPT: 2080  
 01/03/02 ADOPT: 2077  
 01/03/02 ADOPT: 2075  
 01/03/02 ADOPT: 2070  
 12/12/01 REPEAL: 143.4  
 12/11/01 AMEND: 1979  
 12/10/01 AMEND: 1969  
 11/29/01 ADOPT: 12130  
 11/20/01 AMEND: 376, 377  
 11/19/01 ADOPT: 12100, 12102, 12104, 12106,  
 12108, 12110, 12120  
 11/19/01 ADOPT: 10300, 10302, 10305, 10310,  
 10315, 10317, 10320, 10322, 10325,  
 10326, 10327, 10328, 10330, 10335,  
 10337 AMEND: 10317(c)  
 11/01/01 AMEND: 401, 403  
 10/29/01 AMEND: 8070(e)  
 10/12/01 ADOPT: 4144  
 10/11/01 AMEND: 1433  
 10/09/01 ADOPT: 7000, 7001, 7002, 7003, 7003.5,  
 7004, 7005, 7006, 7007, 7008, 7009,  
 7010, 7011, 7012, 7013, 7013.1, 7013.5,  
 7014, 7015, 7016, and 7017 REPEAL:  
 7000, 7001, 7002, 7003, 7004, 7005,  
 7006, 7007, 7008, 7009, 7010, 7011,  
 7012, 7013, 7014, 7015, 7016

**Title 5**

01/08/02 REPEAL: 11820, 11822, 11823, 11827,  
 11828, 11829, 11831, 11832, 11833,  
 11834  
 01/08/02 AMEND: 1031, 1032, 1033, 1034, 1035,  
 1036, 1037, 1038, 1039  
 01/07/02 AMEND: 42713  
 01/07/02 AMEND: 73000, 73010, 73100, 73110,  
 73120, 73130, 73140, 73150, 73160,  
 73165, 73170, 73180, 73190, 73200,  
 73210, 73230, 73240, 73260, 73270,  
 73280, 73290, 73300, 73310, 73320,  
 73330, 73340, 73350, 73360, 73380,  
 73390, 73400, 73410, 73420, 73430,  
 73440  
 12/27/01 ADOPT: 31000, 31001, 31003, 31004,  
 31005, 31006, 31007

12/26/01 AMEND: 80487  
 12/21/01 ADOPT: 31000, 31001, 31002, 31003,  
 31004, 31005, 31006, 31007  
 12/21/01 ADOPT: 1215, 1216, 1217, 1217.5, 1218,  
 1219, 1219.5  
 12/18/01 AMEND: 30950, 30951, 30951.1, 30952,  
 30953, 30954, 30955, 30956, 30957,  
 30958, 30959  
 12/12/01 AMEND: 80225  
 12/05/01 ADOPT: 20430, 20432, 20434, 20436,  
 20438, 20440, 20442, 20444  
 11/26/01 AMEND: 22000  
 11/19/01 AMEND: 80026, 80027  
 11/15/01 AMEND: 1032(i)  
 11/06/01 AMEND: 18302  
 11/05/01 REPEAL: 18140, 18141, 18142, 18143,  
 18144, 18145, 18146, 18147, 18148,  
 18149, 18150, 18151, 18152, 18153,  
 18154, 18155, 18156, 18157, 18158,  
 18159, 18160, 18161, 18162, 18163,  
 18164, 18165, 18166, 18167, 18168,  
 18169, 18170, 18171, 18172, 18173,  
 18174  
 10/26/01 ADOPT: 18400, 18405, 18406, 18407,  
 18408, 18409, 18409.5, 18410, 18411,  
 18412, 18413, 18414, 18415, 18416,  
 18417, 18418, 18419, 18420, 18421,  
 18422, 18423, 18424, 18425, 18426,  
 18427, 18428, 18429, 18430, 18431,  
 18432, 18433, 18434  
 10/22/01 AMEND: 74000, 74002, 74004, 74006,  
 74008, 74010, 74014, 74016, 74018,  
 74020, 74030, 74040, 74050, 74100,  
 74120, 74130, 74140, 74150, 74160,  
 74170, 74180, 74190, 74200, 74300,  
 74310, 74320, 75000, 75020, 75030,  
 75040, 75100, 75110, 75120, 75130

10/16/01 AMEND: 53309, 53310  
 10/10/01 AMEND: 59020, 59022, 59023  
 10/04/01 ADOPT: 11510, 11511, 11511.5, 11512,  
 11512.5, 11513, 11513.5, 11514, 11516,  
 11516.5, 11517  
 10/04/01 ADOPT: 40701 AMEND: 40700  
 09/19/01 AMEND: 15440, 15443, 15444, 15445,  
 15453, 15454, 15456, 15457, 15458,  
 15459, 15467, 15468, 15472, 15474,  
 15475, 15476, 15480, 15481, 15483,  
 15484, 15485, 15486 REPEAL: 15469,  
 15471, 15473

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12/11/01 ADOPT: 236  
 11/27/01 ADOPT: 212.5

**Title 8**

01/04/02 ADOPT: 11170 AMEND: 11160  
 01/03/02 AMEND: 3472, 4884, 4885, 4886, 4907, 4924, 4965, 4966, 4968  
 12/31/01 AMEND: 9792.1  
 12/26/01 AMEND: 1532.1  
 12/24/01 AMEND: 31100  
 12/04/01 ADOPT: 32015, 32016, 32325, 32603, 32604, 6000, 60010, 60020, 60030, 60035, 60040, 60050, 60070, 61000, 61005, 61010, 61020, 61030, 61040, 61050, 61055, 61060, 61065, 61070, 61072, 61075, 61080, 61090, 61100, 61105, 61110, 61115, 61120, 61125, 61130  
 11/29/01 AMEND: 5031(c)(3)  
 11/19/01 AMEND: 341.15  
 11/08/01 AMEND: 3340(c) and (d)  
 11/02/01 AMEND: 15212  
 10/30/01 ADOPT: 344.5, 344.6, 344.7, 344.8, 344.9, 344.10, 344.11, 344.12, 344.13, 344.14, 344.15, 344.16, 344.17 AMEND: Re-number 344.10 to 344.18  
 10/29/01 AMEND: 65  
 10/24/01 AMEND: 6249, 6251, 6260, 6262, 6270, 6272, 6281, 6282, 6283, 6290, 6295, 6328, 6329, Appendix A  
 10/23/01 AMEND: 1698(e)(1)(2)  
 09/27/01 AMEND: 3469  
 09/26/01 AMEND: 2943  
 09/06/01 AMEND: 50, 55, 104  
 09/05/01 AMEND: 4296

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12/12/01 ADOPT: 9500, 9505, 9510, 9515, 9517, 9520, 9525, 9530, 9532, 9533, 9535, 9540, 9545  
 12/10/01 AMEND: 7050, 7051, 7053, 7054, 7056, 7057

**Title 10**

01/09/02 AMEND: 2248.31, 2248.32, 2248.35, 2248.40, 2248.41, 2248.42, and 2248.47  
 01/08/02 AMEND: 5460, 5461, 5462, 5463, 5464, 5465  
 12/31/01 ADOPT: 1729, 1741.5, 1950.302 AMEND: 1741.5  
 12/31/01 ADOPT: 2695.30  
 12/26/01 AMEND: 2698.70, 2698.71  
 12/26/01 ADOPT: 2278, 2278.1, 2278.2, 2278.3, 2278.4, 2278.5  
 10/31/01 AMEND: 4081, 4081.5  
 10/23/01 AMEND: 2699.6619, 2699.6629  
 10/12/01 AMEND: 2698.61, 2698.62, 2698.65, 2698.66, 2698.67  
 10/11/01 ADOPT: 2695.30

10/02/01 AMEND: 2248.30, 2248.31, 2248.32, 2248.33, 2248.34, 2248.39, 2248.40, 2248.41, 2248.42, 2248.43, 2248.45, 2248.47 REPEAL: 2248.48  
 09/25/01 ADOPT: 2130, 2130.1, 2130.2, 2130.3, 2130.4, 2130.5, 2130.6, 2130.7, 2130.8  
 09/17/01 ADOPT: 5904.1, 5906 AMEND: 5900, 5901, 5903, 5904, 5905  
 09/17/01 ADOPT: 2192.1 et seq.  
 09/13/01 ADOPT: 2393, 2394, 2395, 2396, 2397, 2398

**Title 11**

01/09/02 AMEND: 1081  
 12/31/01 AMEND: 3000, 3001, 3003, 3007  
 12/05/01 AMEND: 1005  
 10/29/01 ADOPT: 410, 411, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426  
 10/17/01 AMEND: 1005, 1018  
 09/26/01 ADOPT: 977.10, 977.15, 977.20, 977.30, 977.30, 977.31, 977.32, 977.33, 977.34, 977.35, 977.36, 977.40, 977.41, 977.42, 977.43, 977.44, 977.45, 977.46, 977.47, 977.48, 977.49, 977.50, 977.51, 977.55, 977.60, 977.70, 977.71, 977.80, 977.85, 977.90

**Title 13**

10/30/01 AMEND: 553  
 10/24/01 AMEND: 1200, 1201, 1213.2  
 10/17/01 AMEND: 20.04

**Title 14**

01/09/02 ADOPT: 14021, 14022, 14023, 14024, 14025, 14026, 14027, 14028, 14029, 14030, 14031, 14032  
 12/31/01 ADOPT: 749.1  
 12/20/01 AMEND: 2.00  
 12/19/01 ADOPT: 180.4  
 12/17/01 AMEND: 120  
 12/11/01 ADOPT: 17367, 17368, 17369, 17370.1, 17370.2, 18225  
 11/29/01 ADOPT: 1057, 1057.1, 1057.2, 1057.3, 1057.4, 1057.5, 1058, 1058.1, 1058.2, 1058.3, 1058.4, 1058.5  
 11/20/01 AMEND: 895.1, 898, 898.2, 914.8 [934.8, 954.8], 916 [936, 956], 916.2 [936.2, 956.2], 916.9 [936.9, 956.9], 916.11 [936.11, 956.11], 916.12 [916.12, 936.12, 956.12], 923.3 [943.3, 963.3], 923.9 [943.9, 963.9]  
 11/16/01 AMEND: 1038, 1104.1  
 11/08/01 AMEND: 150.16  
 11/07/01 AMEND: 1037.5  
 11/01/01 ADOPT: 17211, 17211.1, 17211.2, 17211.3, 17211.4, 17211.5, 17211.6, 17211.7, 17211.8, 17211.9

10/31/01 AMEND: 163, 163.5, 164  
 10/31/01 AMEND: 300(a)  
 10/30/01 ADOPT: 1059  
 10/25/01 AMEND: 165, 165.5  
 10/23/01 AMEND: 550, 551, 552  
 10/17/01 AMEND: 27.82, 28.54, 28.55  
 10/04/01 ADOPT: 6595  
 10/03/01 AMEND: 14111  
 10/03/01 AMEND: 502, 507(c) and 507.1  
 10/03/01 AMEND: 11900  
 09/25/01 AMEND: 1038  
 09/24/01 ADOPT: 17367, 17368, 17369, 17370.1, 17370.2, 18225  
 09/24/01 ADOPT: 159 REPEAL: 148  
 09/18/01 AMEND: 150.16  
 09/17/01 AMEND: 17943  
 09/17/01 AMEND: 790, 791, 791.7, 795, 796, 797, Forms 1924, 1925, 1929, 1930, 1946, 1947, 1962, and 1972

**Title 15**

01/09/02 ADOPT: 4742, 4743, 4744, 4745, 4746, 4747, AMEND: 4730, 4732, 4733, 4734, 4735, 4736, 4737, 4739, 4740  
 01/08/02 REPEAL: 3074  
 11/29/01 ADOPT: 4746.5  
 11/27/01 AMEND: 6045.2(e)(2)(G)  
 11/20/01 ADOPT: 2646.1 AMEND: 2646  
 10/23/01 AMEND: 3375.2, 3378  
 10/16/01 AMEND: 3341.5  
 10/04/01 AMEND: 4720.1  
 09/20/01 AMEND: 4695

**Title 16**

12/19/01 AMEND: 1388, 1388.6, 1389, 1392, 1397.63 REPEAL: 1388.5  
 12/18/01 AMEND: 1397.61, 1397.64, 1397.65  
 12/17/01 ADOPT: 2412 AMEND: 2418 REPEAL: 2411(a)(1)(A)  
 12/17/01 AMEND: 1088  
 12/07/01 ADOPT: 386  
 12/04/01 AMEND: 1887.3  
 11/28/01 ADOPT: 872, 872.1  
 11/27/01 AMEND: 3340.16.5  
 11/20/01 ADOPT: 2450  
 10/31/01 ADOPT: 890  
 10/23/01 ADOPT: 1999.5 AMEND: 1970, 1970.6  
 10/19/01 ADOPT: 1357.1, 1357.2, 1357.3, 1357.4, 1357.5, 1357.6  
 10/18/01 AMEND: 2420  
 10/16/01 AMEND: 1391.12(b)  
 10/16/01 AMEND: 1870  
 10/15/01 ADOPT: 1024.1, 1024.3, 1024.4, 1024.5, 1024.6, 1024.7, 1024.8, 1024.9, 1024.10, 1024.11, 1024.12 AMEND: 1000 REPEAL: 1024.1  
 10/03/01 AMEND: 1760  
 09/27/01 AMEND: 1399.157(b)

09/19/01 AMEND: 1419.3  
 09/19/01 AMEND: 89.1 REPEAL: 55  
 09/13/01 ADOPT: 980.1 AMEND: 974  
 09/10/01 AMEND: 3005  
 09/10/01 AMEND: 3340.42  
 09/07/01 AMEND: 1399.170.13  
 09/05/01 AMEND: 3008

**Title 17**

12/28/01 AMEND: 6508  
 11/19/01 ADOPT: 37000, 37020, 37025, 37100  
 11/19/01 AMEND: 57310, 57332, and 57530  
 11/14/01 ADOPT: 33001, 33002, 33003, 33004, 3005, 33006, 33007, 33008, 33009, 33010, 33011, 33012, 33013, 33014, 33015, 33025 AMEND: 33020, 33030, 33040 REPEAL: 33001, 33010  
 11/07/01 AMEND: 60201  
 11/05/01 ADOPT: 2638 AMEND: 2500, 2502, 2505, 2551, 2552, 2553, 2596, 2614, 2626  
 10/29/01 ADOPT: 30400.5, 30400.60, 30403.5, 30403.8, 30406  
 10/29/01 ADOPT: 30437 AMEND: 30424, 30425, 30427, 30427.2, 30436, 30447  
 10/25/01 ADOPT: 54327.2 AMEND: 54302, 54327, 54327.1, 56002, 56093, 58651  
 10/15/01 AMEND: 30225, 30253, 30350  
 10/11/01 AMEND: 56033  
 09/06/01 AMEND: 94011

**Title 18**

01/08/02 AMEND: 1620  
 01/07/02 AMEND: 122.5  
 12/24/01 AMEND: 17000.30  
 12/24/01 ADOPT: 17951-6 AMEND: 17951-4  
 12/17/01 AMEND: 1642  
 12/14/01 ADOPT: 138  
 12/06/01 AMEND: 1660  
 12/04/01 AMEND: 1661  
 11/20/01 AMEND: 19513  
 11/08/01 ADOPT: 206  
 11/01/01 AMEND: 1598  
 11/01/01 AMEND: 1617  
 10/12/01 ADOPT: 18567  
 09/20/01 AMEND: 1574  
 09/17/01 AMEND: 23101.5  
 09/13/01 AMEND: 1705.1

**Title 19**

12/28/01 ADOPT: 981.3 AMEND: 981.3  
 12/27/01 ADOPT: 565.1, 567.1, 567.2, 567.3, 567.4, 567.5, 567.6, 567.7, 567.8, 573, 575 AMEND: 550, 550.2, 557.1, 557.3, 557.4, 557.5, 557.6, 557.8, 557.9, 557.12, 557.13, 557.14, 557.16, 557.18, 557.19, 557.20, 557.21, 557.22, 557.23, 560, 560.1, 560.2, 560.3



**Title 21**

12/04/01 AMEND: 7000

**Title 22**

01/08/02 ADOPT: 7630, 7632, 7632.1, 7632.3, 7632.5, 7634, 7634.1, 7634.3, 7634.5, 7636, 7636.1, 7636.3, 7636.5, 7637.7, 7636.9, 7638, 7638.1, 7638.3, 7638.5, 7638.7, 7638.9, 7638.11, 7638.13

12/31/01 AMEND: 66260.10, 66262.12, 66263.40, 66268.7 REPEAL: 66263.42

12/19/01 AMEND: 5151(c), 5151(e), 51518(b), 51521(i), 51527(b)

12/18/01 ADOPT: 11000, 110042, 110046, 110088, 110099, 110129, 110135, 110147, 110148, 110150, 110164, 110182, 110184, 110186, 110194, 110200, 110220, 110224, 110230, 110252, 110261, 110289, 110341, 110410, 110431, 110436, 110445, 110456, 110474, 110478, 110479

12/13/01 AMEND: 670.5

11/30/01 ADOPT: 66273.6, 66273.80-66273.90 AMEND: 66261.9, 66273.1, 66273.8, 66273.9

11/13/01 ADOPT: 64860

11/08/01 ADOPT: 67900.1, 67900.2, 67900.3, 67900.4, 67900.5, 67900.6, 67900.7, 67900.8, 67900.9, 67900.10, 67900.11, 67900.12

11/08/01 ADOPT: 66250, 66250.1, 66250.2

11/06/01 AMEND: 4408, 4409, 4414

11/06/01 AMEND: 66264.140, 66264.143, 66264.145, 66264.147, 66265.140, 66265.143, 66265.145, 66265.147

11/02/01 ADOPT: 66261.9, 66273.1, 66273.2, 66273.3, 66273.4, 66273.5, 66273.6, 66273.7, 66273.8, 66273.9, 66273.10, 66273.11, 66273.12, 66273.13, 66273.14, 66273.15, 66273.16, 66273.17, 66273.18, 66273.19, 66273.20, 66273.30, 66273.31, 66273.32, 66273.33

11/02/01 ADOPT: 100901, 100902, 100903, 100904, 100904.5 AMEND: 100900

10/24/01 AMEND: 12000

10/02/01 ADOPT: 68300, 68301, 68302, 68303, 68304, 68305, 68306, 68307, 68308, 68309

09/24/01 ADOPT: 110250, 110374, 117016, 117019, 117021, 117025, 117030, 117036, 117042, 117047, 117049, 117052, 117054, 117064, 117074, 117080, 117083, 117085, 117089, 117091, 117094, 117200, 117300, 117301, 117302, 117303, 117400, 117401, 117402, 117403

09/19/01 ADOPT: 123000

09/10/01 ADOPT: 110041, 110098, 110284, 110299, 110428, 110430, 110473, 110539, 112002, 112015, 112025, 112034, 112035, 112100, 112110, 112130, 112140, 112150, 112152, 112154, 112155, 112200, 112210, 112300, 112301, 112302 AMEND: 110042, 110431, 110609

09/06/01 ADOPT: 111900, 111910, 111920, 121100, 121120, 121140

09/05/01 ADOPT: 51224.5 AMEND: 51051, 51200, 51104

**Title 22, MPP**

11/08/01 AMEND: 84110, 85002, 87102

10/25/01 ADOPT: 85081, 87593 AMEND: 85001, 87101

09/24/01 ADOPT: 87701.1, 87716.1 AMEND: 87101, 87102, 87570, 87575, 87575.1, 87701, 87701.1, 87702, 87716, 87124.1, 87721

09/19/01 AMEND: 87564.3, 87730

09/06/01 ADOPT: 35333, 35334 AMEND: 35001, 35013, 35067, 35177, 35179, 35211, 35325, 35326, 35337, 35339, 35341, 35343, 35344, 35351, 11-401, 45-803 REPEAL: 35333

**Title 23**

01/03/02 AMEND: 3904

12/28/01 AMEND: 451.1, 451.4, 451.5

11/27/01 AMEND: 3952

10/09/01 AMEND: 3988

**Title 25**

01/08/02 ADOPT: 7300, 7301, 7302, 7303, 7304, 7305, 7306, 7307, 7308, 7309, 7310, 7311, 7312, 7313, 7314, 7315, 7316, 7317, 7318, 7319, 7320, 7321, 7322, 7323, 7224, 7325, 7326, 7327, 7328, 7329, 7330, 7331, 7332, 7333, 7334, 7335, 7336

01/03/02 ADOPT: 1302, 1316, 1317, 1318, 1319 AMEND: 1300, 1304, 1306, 1310

12/19/01 AMEND: 8202, 8203, 8212, 8212.1

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10/24/01 AMEND: 15240

**Title 28**

12/27/01 ADOPT: 1300.41.8

12/12/01 ADOPT: 1000

**Title MPP**

12/11/01 AMEND: 44-314, 82-518

11/29/01 ADOPT: 44-302 AMEND: 25-301, 25-302, 25-303, 25-304, 25-305, 25-306, 25-310.3, 25-330.9, 25-506, 44-304, 44-305, 44-325, 44-327, 80-310

10/15/01 AMEND: 44-211.63, 44-211.64

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10/10/01 AMEND: 42-205, 43-119, 44-133  
10/01/01 AMEND: 63-102, 63-300, 63-301, 63-402, 63-405, 63-501, 63-502, 63-503, 63-504, 63-507

09/17/01 ADOPT: 49-101, 49-105, 49-110, 49-115, 49-120, 49-125  
09/10/01 AMEND: 42-710.1, 42-710.2, 42-710.3, 42-711.9, 42-716.11, 63-407.2, 63-407.5

